Calendar No. 2719

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2673

AUTHORIZING THE TRANSFER BY THE UNITED STATES OF ITS INTEREST IN CERTAIN INVENTIONS TO ROBERT T. C. RASMUSSEN

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4635]

The Committee on the Judiciary, to which was referred the bill (H. R. 4635) to authorize the Secretary of the Interior to transfer to Robert T. C. Rasmussen, the right, title, and interest of the United States, in foreign countries, in and to certain inventions, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Secretary of the Interior to transfer to Robert T. C. Rasmussen, a former employee of the Bureau of Mines, Department of the Interior, the right, title, and interest of the United States in and to certain inventions, in foreign countries.

STATEMENT

The Department of the Interior recommends enactment of the bill and states that the United States Government has no intention to file in foreign countries the patents involved because the character of the patents makes foreign rights unnecessary for the protection of the interests of the United States.

The facts in connection with this legislation are set forth in House Report No. 1984 to accompany H. R. 4635, and are as follows:

> This bill authorizes the Secretary of the Interior to transfer to Robert T. C. Rasmussen the right, title, and interest of the United States in and to certain inventions, in foreign countries.
>
> Mr. Rasmussen is a former employee of the United States Bureau of Mines, Department of the Interior, which service he left in 1952. For some time he was stationed at the Bureau's laboratory at Albany, Oreg., where he did research work in connection with ferrous metals. While so serving, Mr. Rasmussen made three inventions involving the use of wood waste as a reductant to control a smelting zone temperature and provide other incidental benefits in the electric smelting of ores.
>
> In accordance with the regulations of the Department of the Interior, Mr. Rasmussen assigned to the United States all rights to his inventions. Patent applications relating to these inventions are pending before the Patent Office and are identified as follows:
>
> 1. Electric smelting process for the production of aluminum silicon alloys, serial No. 301,810, filed July 30, 1952;
>
> 2. Electric smelting process for manganese ores, serial No. 336,212, filed February 10, 1953; and
>
> 3. Electric smelting process, serial No. 336,213, filed February 10, 1953.
>
> It is the policy of the Government generally to require an assignment to the United States of all domestic and foreign rights to any invention made by an employee within the general scope of his governmental duties. The Government does in certain instances waive its foreign rights requirement and usually does so where it has no intention of protecting the invention in foreign countries and where the employee has expressly requested such waiver. Mr. Rasmussen never requested a waiver of such foreign invention and patent rights. However, the testimony at the hearing indicates that when he assigned his invention to the Department of the Interior, he was completely unaware that he could make such a request.
>
> Later, when it became known to Mr. Rasmussen that the Federal Government was not interested in and had no intention of filing foreign patent applications on his inventions, he sought to have the Government waive its foreign rights to the inventions. He was advised, however, that this could only be done through an act of Congress, and hence the instant bill was introduced.
>
> This bill is essentially the same as similar bills enacted as Private Law 865 and Private Law 389 of the 83d Congress. Both of these acts involve similar problems and provided relief similar to that which is sought herein.
>
> Generally, the United States will continue, under this legislation, to hold the right to nonexclusive, irrevocable royalty-free license for all Government purposes and along with it the right to grant sublicenses in any foreign country in which the invention may be patented and where such invention in the

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foreign country is being used pursuant to any procurement or production of materials for mutual defense purposes. The inventor under this legislation is merely being given the privilege of protecting the product of his skill and efforts in foreign countries where the United States Government has no intention of taking any action to protect the invention and the patent rights which may be issued therewith.

The Department of the Interior, which is directly concerned with this legislation, recommends that it be enacted.

The committee, after consideration, concurs in the conclusion reached by the House of Representatives and, therefore, recommends that the bill, H. R. 4635, be favorably considered.

Attached hereto and made a part hereof is the report of the Department of the Interior, hereinbefore referred to, together with a letter from the Department of Commerce which states that this bill appears to be concerned primarily with matters within the purview of the Department of the Interior.

UNITED STATES
DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., May 12, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CELLER: Your committee has requested a report on H. R. 4635, a bill to authorize the Secretary of the Interior to transfer to Robert T. C. Rasmussen, the right, title, and interest of the United States, in foreign countries, in and to certain inventions.

We recommend that the bill be enacted.

The United States Government has no intention to file in foreign countries the patents involved because the character of the patents makes foreign rights unnecessary for the protection of the interests of the United States.

The Bureau of the Budget has advised us that there is no objection to the submission of this report to your committee.

Sincerely yours,

D. OTIS BEASLEY,
Administrative Assistant, Secretary of the Interior.

DEPARTMENT OF COMMERCE,
OFFICE OF THE GENERAL COUNSEL,
Washington, D. C., May 11, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This letter is in reply to your request of March 9, 1955, for the views of this Department with respect to H. R. 4635, a bill to authorize the Secretary of the Interior to transfer to Robert T. C. Rasmussen, the right, title, and interest of the United States, in foreign countries, in and to certain inventions.

This bill appears to be concerned primarily with matters within the purview of the Department of Interior.

Consideration of the bill as it might affect the functions of this Department, indicates that our interest is too remote to justify offering comments with respect thereto.

Sincerely yours,

PHILIP A. RAY, *General Counsel.*

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Calendar No. 2720

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2674

ELMA AGNES GIBSON HOLLINGSWORTH

JULY 20 (legislative day, JULY 16, 1956).—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 8068]

The Committee on the Judiciary, to which was referred the bill (H. R. 8068) for the relief of Elma Agnes Gibson Hollingsworth, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of this bill is to relieve Elma Agnes Gibson Hollingsworth, administratrix of the estate of Virgil Thomas Gibson, of all liability to repay to the United States the sum of $1,209.44, together with interest and costs, which she was held liable to repay the United States by the United States Court of Appeals for the Ninth Circuit on September 13, 1955.

STATEMENT

The Veterans' Administration made an award of permanent and total non-service-connected disability pension in favor of Virgil T. Gibson, a veteran of honorable military service from October 7, 1917, to August 17, 1919, in the amount of $60 monthly, effective as of the date of application, July 13, 1947. At the time of the award, there was currently in effect another award of service-connected disability compensation in a lesser amount of $41.40 monthly in favor of Mr. Virgil T. Gibson. Under the law not more than one award of pension or compensation may be made concurrently to any person based on his own service. Through administrative error the Veterans' Administration failed to terminate the lesser benefit, and as a result concurrent payments of service-connected disability compensation and non-service-connected disability pension in the amounts of $41.40 and $60 monthly were made to the veteran during the period June 13, 1947, through November 30, 1949, creating an overpayment of

$1,225.44. This overpayment was reduced to $1,209.44 by applying an accrued amount of $16 pension due and unpaid the veteran at the time of his death on December 8, 1949. A judgment for said amount has been obtained by the Veterans' Administration against the estate of Mr. Virgil T. Gibson.

The United States Court of Appeals for the Ninth Circuit stated in the case of *The United States* v. *Gibson* (225 F. 2d 807):

> Following our former decision in this case (207 F. 2d 161), appellant filed a petition for rehearing in which our attention was called for the first time to part IV of Veterans' Regulation No. 1 (a) (38 U. S. C. A., ch. 12, p. 674), paragraph II of which provides: "* * * [I]n those cases in which the veteran, by virtue of the above provision, is found to be entitled to a pension under part III of Veterans' Regulation 1 (a), and is entitled to a pension under part I or part II of Veterans' Regulation No. 1 (a), the Administrator of Veterans' Affairs is authorized and directed to pay to the veteran the greater benefit." In our opinion we noted that although paragraph XIII of regulation No. 10 provided that not more than one award of pension or compensation should be made concurrently to any person based on his own service yet there was nothing to prove that the total amount paid to the veteran was not the result of one award even though by mistake the amounts paid were transmitted monthly in two checks instead of one.
>
> The regulation quoted above, which was thus presented in the petition for rehearing, indicates that although a veteran could have a service-connected pension or a non-service-connected pension, he could not have both and must take whichever payment was the greater. In this case therefore, the decedent was entitled to the $60 payment but was not entitled to the $41.40. For this reason we granted rehearing and the cause has been reargued. In the light of the regulation above set out the Government has made sufficient proof of payment by mistake and that it was entitled to recover those payments from the decedent.
>
> The appellee has argued, as she did in the court below, that since the United States filed a claim under the State law with the personal representative which was rejected both by the administratrix and by the probate court of Bonner County, Idaho the claim is now barred for failure of the Government to pursue its rights in accordance with the Idaho law and within the time required by that law for the institution of a suit upon a claim rejected by the administratrix. We agree with the trial court that under title 31 United States Code Annotated section 191, and the decision in *United States* v. *Summerlin* (310 U. S. 414), this claimed defense of the administratrix cannot be asserted.
>
> We agree with the statement of the trial court about the hardship imposed upon the defendant and the estate by the institution of this suit. As we indicated at the time our former opinion was filed, not even the members of this court could perceive any evidence of overpayment by mistake. We have no doubt that the payments received by the de-

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cedent were accepted in good faith and in the belief that he was justly entitled to them. The mistake here was not that of the veteran but that of the Government. While the case is evidently one which might well appeal to Congress as calling for appropriate legislative relief, we are obligated for the reasons indicated to hold that the Government is entitled to recover.

The former opinion of this court is withdrawn and the judgment is reversed.

Subsequent to the death of her former husband, Mrs. Gibson remarried and is now known as Elma Agnes Gibson Hollingsworth. Mr. Hollingsworth is a small rancher and, according to the report in the committee files, Mrs. Hollingsworth is a part-time schoolteacher. She receives no pension and has no other income except what she receives on her schoolteacher's salary from time to time; and it would appear that, were she forced to repay, it would impose a considerable hardship upon both her and her new spouse.

The Veterans' Administration is not opposed to the enactment of this measure. The report from the Veterans' Administration notes that the payment of the dual compensation was an administrative error on the part of the Veterans' Administration only, no other Federal agency being involved, and there is nothing in their files to indicate that the deceased husband of the claimant did not receive the dual compensation in good faith.

The committee notes that the court in its decision recognizes the hardship imposed on the defendant by the liability to repay and the court further noted that there was nothing in the record of the trial court to indicate to a person unfamiliar with the regulations of the Veterans' Administration that overpayment was being made during the period in question; further, that the court believes the payments were received by the decedent in good faith.

The committee feels that in view of the claimant's subsequent remarriage and the hardship which would be imposed if repayment were insisted upon, that the claimant should be relieved of the liability to repay the sums erroneously given through no fault of hers or the decedent.

After careful consideration of the foregoing facts, the committee feels that H. R. 8068 should be favorably recommended.

Attached hereto and made a part hereof are the reports of the Veterans' Administration and other material pertinent to the bill.

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR
OF VETERANS' AFFAIRS,
Washington, D. C., May 29, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: This has further reference to your request for a report by the Veterans' Administration on H. R. 8068, 84th Congress, a bill for the relief of Elma Agnes Gibson Hollingsworth, which provides as follows:

"That Elma Agnes Gibson Hollingsworth, administratrix of the estate of Virgil Thomas Gibson (Veterans' Administration claim No. XC 539583), is hereby relieved of all liability to repay to the United States the sum of $1,209.44, together with interest and costs which she was held liable to repay the United States by the United States Court of Appeals for the Ninth Circuit on September 13, 1955. Such sum represents the amount overpaid to the said Virgil Thomas Gibson by the Veterans' Administration through an administrative error."

The Veterans' Administration made an award of permanent and total non service-connected disability pension under part III, Veterans Regulation No. 1 (a) (38 U. S. C., ch. 12A) in favor of Virgil T. Gibson, XC 539583, a veteran of honorable military service from October 7, 1917, to August 17, 1919, in the amount of $60 monthly, effective as of the date of application, July 13, 1947. At the time of the award, there was currently in effect another award of service-connected disability compensation in a lesser amount of $41.40 monthly in favor of the veteran under part I of the mentioned regulation.

Under part IV, Veterans Regulation No. 1 (a) (38 U. S. C. ch. 12A) where a veteran is found to be entitled to the compensation and pension benefits heretofore mentioned, the Administrator of Veterans' Affairs is authorized and directed to pay the greater benefit; and under paragraph XIII, Veterans Regulation No. 10 (38 U. S. C., ch. 12A), not more than one award of pension or compensation may be made currently to any person based on his own service. Entitlement of the veteran in the present case to both benefits having been established, the greater benefit was properly authorized and paid to him. However, through administrative error the Veterans' Administration failed to terminate the mentioned lesser benefit, and as a result concurrent payments of service-connected disability compensation and non-service-connected disability pension in the amounts of $41.40 and $60 monthly were made to the veteran during the period June 13, 1947, through November 30, 1949, creating an overpayment of $1,225.44. This overpayment was reduced to $1,209.44 by applying an accrued amount of $16 pension due and unpaid the veteran at the time of his death on December 8, 1949. The Central Committee on Waivers and Forfeitures, Veterans' Administration, on June 29, 1950, declined to waive recovery of the overpayment, on the ground that recovery would not be inequitable, it having been shown that the veteran's estate was in excess of $20,000. No appeal was taken from this determination.

Administrative procedures for recovery of the overpayment having been unsuccessful, the Government pursued the judicial remedy which culminated in a judgment rendered in its favor in the United States Court of Appeals, Ninth Circuit, on September 13, 1955, in the case of *The United States* v. *Gibson* (225 F. 2d 807). The Veterans' Administration has been informally advised that the Department of Justice, which represented the Government in that action, is furnishing your committee with a report on the bill.

In view of the judgment, waiver of the overpayment would require the enactment of legislation. H. R. 8068 is designed to accomplish this purpose by relieving the veteran's estate from payment of the amount of the judgment, together with interest and costs. Under the circumstances, the Veterans' Administration would have no objection to the enactment of H. R. 8068.

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Advice has been received from the Bureau of the Budget that there would be no objection to the submission of this report to your committee.

Sincerely yours,

JOHN S. PATTERSON,
Deputy Administrator
(For H. V. Higley, Administrator).

COEUR D'ALENE, IDAHO,
December 12, 1955.

GRACIE PFOST,
Member of Congress,
House of Representatives, Washington, D. C.

DEAR GRACIE: Thank you for your letter of December 7 in connection with Mrs. Gibson's problem and I am advising her that you have prepared a private bill to introduce in her behalf as soon as Congress convenes.

It is entirely proper that you should keep all the records and files in this case until they no longer serve any useful purpose in your office.

It would be difficult for me to see how the Veterans' Administration could, in view of the language of the circuit court of appeals decision, put any opposition in the way of the passage of this bill. They have had two courts, that is the court of District Judge Chase A. Clark, and that of the circuit court of appeals, in two instances conclude that all of the justice in the matter is on the side of Mrs. Gibson.

I am extremely grateful to you for any effort that you may expend on behalf of Mrs. Gibson.

You can assure the Veterans' Administration and your Judiciary Committee that this office has no interest in any way in any portion or any moneys that may be forthcoming to her or any decision by the Congress of the United States that she be not obligated to pay any judgment entered in this action. Our services have been gratuitous except that we expect to be reimbursed our actual out-of-pocket costs but no fees of any kind.

With kind regards and best wishes for a happy holiday season and a prosperous and enjoyable New Year.

Respectfully,

WM. S. HAWKINS.

COEUR D'ALENE, IDAHO,
October 25, 1955.

Congresswoman GRACIE PFOST,
Member of Congress, Washington, D. C.

DEAR GRACIE: Thank you for your letter of October 17 written from Nampa, Idaho, in response to my letter of October 6 in connection with the case of *United States* v. *Gibson.*

I am aware of the difficulty in getting through special measures of this kind and I know that they must be obviously deserving. However, it isn't often that we are armed with a finding by a circuit court of appeals based upon the trial record that a hardship is imposed upon

the defendant and the estate by the institution of those proceedings and a further observation by the circuit court of appeals that "while the case is evidently one which might well appeal to Congress as calling for appropriate legislative relief, we are obliged, for the reasons indicated, to hold that the Government is entitled to recover."

For your information and that of your staff, I am enclosing herewith a transcript of the entire trial proceeding, the brief for the appellant (U. S. Government), our reply brief for the appellee, the decision of the circuit court of appeals handed down September 23, 1953, and a petition for rehearing filed by the Government attorneys together with a copy of the final decision handed down September 13, 1955.

Judge Clark's original decision was quite promptly affirmed by the circuit court of appeals September 23, 1953. It was almost 2 years later that it withdrew that opinion and handed down this final one. Judge Clark told me that this case caused more consternation in the circuit court of appeals than any case that he was aware of since he has gone on the bench.

He was of the opinion that if anybody was going to take that money away from Mrs. Gibson that it would be done by some court other than his and apparently the circuit court of appeals felt that way about it for nearly 2 years but had to do what they found to be their plain duty.

Mrs. Gibson, frankly, has remarried and her name is Hollingsworth, however, that is of no great importance. They are stump ranchers, she is a schoolteacher on occasions and lives in what is known as the Careywood district which is south of Sandpoint a distance of about 10 or 12 miles.

She receives no pension and the only income she gets is what little income she gets off of this stump ranch and whatever schoolteacher's salary she gets from time to time. It would work a hardship on her. She is not on relief, she is not destitute but to dig up $1,200 plus the accumulated interest would be extremely burdensome. Likewise the Government could impose substantial costs although as yet no cost bill has been served. We are resolved that we could not go further with this because the expense involved would be prohibitive. I have rendered my services in connection with this entire proceeding without fee and at considerable out-of-pocket expense of my own. As a matter of fact, this case came into this office when Judge Everett E. Hunt left the private practice and went to the district court at Sandpoint and he turned the matter over with the thought that perhaps I could be of assistance to her.

In the years that I have been practicing, this is the first and only time which I have ever sought legislative relief for any client and, in this instance, it is not sought with the idea of any personal gain but merely to alleviate Mrs. Gibson and to correct the mistake that was made by the Government with the resultant hardship that the circuit court of appeals has found to exist.

I was aware at all times that the court might possibly rule as it did but we had no alternative except to defend as against the action and I have no compunctions about that because of the overwhelming justice on the side of Mrs. Gibson. If I can furnish you any further information in connection with this matter, do not hesitate to call upon

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me. The copies that I am enclosing are the original entries and are part of my permanent file. I have no other copies of them. If and when they have served their purpose in your office, I assume that it would be proper to return them to me.

Thank you for consideration and assistance in this matter.

Respectfully,

WM. S. HAWKINS.

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Calendar No. 2721

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2675

ESTATE OF WILLIAM EDWARD WINE

JUNE 20 (legislative day, JUNE 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary submitted the following

REPORT

[To accompany H. R. 9947]

The Committee on the Judiciary, to which was referred the bill (H. R. 9947) for the relief of the estate of William Edward Wine, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to relieve the estate of William Edward Wine, formerly of Berryville, Va., of all liability to the United States arising out of an affidavit of support signed by William Edward Wine on March 29, 1954, regarding 2 immigrants to the United States, effective upon the acceptance by the Administrator of the Bureau of Security and Consular Affairs in the Department of State of a satisfactory substitute of assurance of support for the 2 immigrants.

STATEMENT

The proposed legislation is requested to facilitate the settling of an estate.

It would relieve the estate of the late William Edward Wine of any liability on an affidavit of support signed by Mr. Wine in 1954, in behalf of two immigrants, such relief to be effective upon the acceptance by the Government of substitute assurance.

The Department of State has no objection to the enactment of the proposed legislation.

Attached and made a part of this report is a letter, dated June 14, 1956, from the Department of State.

DEPARTMENT OF STATE,
Washington, June 14, 1956.

The Honorable EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of May 15, 1956 requesting a report concerning H. R. 9947 which was introduced by Mr. Smith on March 13, 1956, for the relief of the estate of William Edward Wine.

The proposed legislation would have the effect of relieving the estate of William Edward Wine, deceased, of all liability to the United States which may arise out of the affidavit of support signed by William Edward Wine on March 29, 1954 on behalf of two alien immigrants, Max Adolph William Kommer and his wife, Elfriede Kirsch Kommer, upon the acceptance by the Administrator of the Bureau of Security and Consular Affairs in the Department of State, of a satisfactory substitute assurance of support for these persons.

Insofar as the Department of State is concerned, there is no objection to the enactment of the proposed legislation.

The question whether any liability to the United States and the extent thereof, should arise in the event that Mr. and Mrs. Kommer, or either, should become a public charge, would appear to be a matter for determination of a court having proper jurisdiction, in which a case might be brought, involving the point. However, the interests of the United States would appear to be amply protected by the substitution of satisfactory assurance of support of the aliens in question, for that previously furnished by Mr. Wine.

Sincerely yours,

ROBERT C. HILL,
Assistant Secretary
(For the Secretary of State).

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Calendar No. 2722

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2676

P. R. COX

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 10983]

The Committee on the Judiciary, to which was referred the bill (H. R. 10983) for the relief of P. R. Cox, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay to P. R. Cox of Temple, Tex., the sum of $2,753.67, out of money heretofore made available for the eradication of the disease of vesicular exanthema in swine, as representing 50 percent of the losses incurred by the claimant in the destruction in July 1953 of swine owned by him because of their infection and exposure to the disease.

STATEMENT

As is set forth in a letter from the Department of Agriculture, dated June 5, 1956, which is printed in full below, the Secretary of Agriculture on August 1, 1952, declared an emergency because of the spread of vesicular exanthema, a communicable disease of swine. As a result of the declaration, Federal funds were made available to indemnify owners of swine that were destroyed because they were infected with or exposed to the disease. During July 1953 swine belonging to P. R. Cox, of Temple, Tex., were ordered slaughtered and specially processed by the State officials of Texas. At that time there were no State funds available to pay the State's share of indemnity for the swine slaughtered. The regulations required that the State pay its share of

indemnity prior to the Federal Government paying its share. Since the State was not in a position to pay indemnity, the swine were not appraised by a Federal employee. The Federal regulations require that the swine be appraised prior to their disposal to be eligible for the Federal share of indemnity. Mr. Cox cooperated fully with the State and the Department representatives in Texas from a disease-control standpoint. The prompt disposal of affected and exposed swine is of extreme importance in the control and eradication of vesicular exanthema. Mr. Cox cooperated to the extent of permitting the swine to be slaughtered without receiving any indemnity. The State pursuant to special legislation (State house bill No. 140, regular session of the 54th legislature), paid a sum of $2,753.67 based on their appraisal, and the Department recommends that this amount be used as the basis for the proposed Federal indemnity payment. The Department advises that the payment of this amount will not impair the program for this fiscal year.

The committee believes that the proposed legislation is meritorious and recommends it favorably.

Attached and made a part of this report is a letter, dated June 5, 1956, from the Department of Agriculture. On file with the committee is an affidavit from the claimant which sets forth the weights and prices on the swine.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., June 5, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR CONGRESSMAN CELLER: This is in reply to your request of May 4, 1956, for a report on H. R. 10983, a bill for the relief of P. R. Cox.

The Department recommends enactment of H. R. 10983, as prompt disposal of the animals was of extreme importance in the control and eradication of vesicular exanthema.

The bill directs the Secretary of Agriculture to pay an indemnity of $2,753.67 to Mr. P. R. Cox of Temple, Tex., whose swine were destroyed during July 1953 because of the infection and exposure of such swine to the contagious disease, vesicular exanthema. This amount represents 50 percent of the amount of losses incurred by Mr. Cox by reason of the destruction of such swine, 50 percent of the amount of such losses having been previously paid by the State of Texas.

Because of the spread of vesicular exanthema, a communicable disease of swine, an emergency was declared by the Secretary of Agriculture, August 1, 1952. As a result of the declaration, Federal funds were made available to indemnify owners for swine that were destroyed because they were infected with or exposed to the disease.

During July 1953 swine belonging to Mr. P. R. Cox, of Temple, Tex, were ordered slaughtered and specially processed by the State officials of Texas. At that time there were no State funds available to pay the State's share of indemnity for the swine slaughtered. The regulations required that the State pay its share of indemnity prior to the Federal Government paying its share. Since the State was not in a position to pay indemnity, the swine were not appraised by

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a Federal employee. The Federal regulations require that the swine be appraised prior to their disposal to be eligible for the Federal share of indemnity.

Mr. Cox cooperated fully with the State and Department representatives in Texas from a disease-control standpoint. The prompt disposal of affected and exposed swine is of extreme importance in the control and eradication of vesicular exanthema. Mr. Cox cooperated to the extent of permitting the swine to be slaughtered without receiving any indemnity. The State pursuant to special legislation (State house bill No. 140, regular session of the 54th legislature), paid a sum of $2,753.67 based on their appraisal, and it is recommended that this appraisal be used as the basis for the proposed Federal indemnity payment. Payment of this amount would not impair the program for this fiscal year.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

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Calendar No. 2723

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2677

MR. AND MRS. HERMAN E. MOSLEY, AS NATURAL PARENTS OF HERMAN E. MOSLEY, JR.

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1420]

The Committee on the Judiciary, to which was referred the bill (H. R. 1420) for the relief of Mr. and Mrs. Herman E. Mosley, as natural parents of Herman E. Mosley, Jr., having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. On page 1, line 7, strike "$5,579.25." and insert in lieu thereof "$5,000.".
2. On page 2, line 2, strike the words "in excess of 10 per centum thereof".

PURPOSE

The purpose of the proposed legislation, as amended, is to pay to Mr. and Mrs. Herman E. Mosley, of Anniston, Ala., the sum of $5,000, in full settlement of all claims against the United States arising out of the death of their son, Herman E. Mosley, Jr., and the injuries sustained by their son, Willard E. Mosley, on November 25, 1945, as a result of the explosion of a mortar shell on the Fort McClellan Military Reservation, Ala.

STATEMENT

The facts in connection with this claim are fully set forth in House Report No. 110 to accompany H. R. 1420, and are as follows:

The evidence in this case shows that on November 25, 1945, at about 2 p. m., Herman E. Mosley, Jr., 16 years of age,

Woodson J. Mosley, 15 years of age, and Willard E. Mosley, 9 years of age (sons of Herman E. Mosley, R. F. D. No. 1, Anniston, Ala.), and Guy Marion Story, 14 years of age, entered the Fort McClellan Military Reservation by climbing over a fence at the edge of the reservation, which ran along the Anniston-Jacksonville Highway. The fence was a net wire fence with a strand of barbed wire at the top. It appears that the boys entered the military reservation for the purpose of gathering pecans from a tree located within the danger area of a mortar range.

After the boys reached the pecan tree Woodson J. Mosley climbed the tree, and while he was up in the tree, and at about 4 p. m., Guy Marion Story picked up an unexploded mortar shell which was lying on the ground nearby. Herman E. Mosley, Jr., thereupon told Story to "lay that down and lay it down easy because it might go off." Young Story did not comply with such request, but instead threw the shell against the base of the pecan tree, and the force of the impact caused the shell to explode. Woodson J. Mosely was thrown from the tree by the explosion, but he received no injuries from such explosion or from the fall. Herman E. Mosley, Jr., and Guy Marion Story were seriously injured by the explosion, which also caused the minor injury of Willard E. Mosley.

The three injured boys were taken from the scene of the explosion to the Anniston Memorial Hospital, Anniston, Ala, where Herman E. Mosley, Jr., died at 10:30 p. m. on the same date, the cause of his death being stated on his death certificate as follows: "Shock—multiple wounds of the chest, left thigh and abdomen." The injuries sustained by Willard E. Mosley have resulted in no permanent disability.

In the Department of the Army's report, it is stated that the boys climbed over the fence. There are affidavits in the file contradicting this statement. Herman E. Mosley, in his affidavit states that he is a taxi driver and made numerous trips along the highway. He states that he knows of his own personal knowledge that for at least 6 months prior to the date of the accident the fence was down for a considerable distance at the point where the boys entered the reservation. He states that he also knows that it was a common practice for the people living in his neighborhood to make frequent trips on the reservation for the purpose of picking berries, gathering fruit and pecans. The fence was flat on the ground for a distance of at least 30 feet, and people simply walked back and forth across it and paid no attention to it. He says further that at one point near this part of the fence there was a "no trespassing" sign which had been torn down and broken apart but which was still lying near the fence.

An affidavit by Mr. J. J. Turley, a neighbor, verifies this statement.

The committee, after consideration, concurs in the conclusion reached by the House of Representatives and, therefore, recommends the bill, H. R. 1420, as amended, to the favorable consideration of the Senate.

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Attached hereto and made a part hereof is the report of the Department of the Army, submitted in connection with a similar bill of the 82d Congress, together with certain evidentiary data submitted in support of this claim.

DEPARTMENT OF THE ARMY,
Washington, D. C., December 12, 1951.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: The Department of the Army is opposed to the enactment of H. R. 5500, 82d Congress, a bill for the relief of Herman E. Mosley.

This bill provides as follows:

"That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Herman E. Mosley, Anniston, Alabama, the sum of $5,579.25. The payment of such sum shall be in full settlement of all claims of the said Herman E. Mosley against the United States arising out of the death of his son, Herman E. Mosley, Junior, and the injuries sustained by his son, Willard E. Mosley, on November 25, 1945, as a result of the explosion of a mortar shell on the Fort McClellan Military Reservation, Alabama. The Department of War disapproved the claims of the said Herman E. Mosley on the ground that the incident was not caused by negligence of Army personnel."

(The evidence in this case shows that on November 25, 1945, at about 2 p. m., Herman E. Mosley, Jr., 16 years of age, Woodson J. Mosley, 15 years of age, and Willard E. Mosley, 9 years of age (sons of Herman E. Mosley, R. F. D. No. 1, Anniston, Ala.), and Guy Marion Story, 14 years of age, entered the Fort McClellan Military Reservation by climbing over a fence at the edge of the reservation, which ran along the Anniston-Jacksonville Highway. The fence was a net wire fence with a strand of barbed wire at the top. It appears that the boys entered the military reservation for the purpose of gathering pecans from a tree located within the danger area of a mortar range.) At the point where the boys entered the reservation there was a prominent sign attached to a fence post which contained the following statement:

MILITARY RESERVATION

No Trespassing Under Penalty of Federal Law

KEEP OUT

After the boys reached the pecan tree, Woodson J. Mosley climbed the tree, and while he was up in the tree, and at about 4 p. m., Guy Marion Story picked up an unexploded mortar shell which was lying on the ground nearby. Herman E. Mosley, Jr., thereupon told Story to "lay that down and lay it down easy because it might go off." Young Story did not comply with such request, but instead threw the shell against the base of the pecan tree, and the force of the impact caused the shell to explode. Woodson J. Mosley was thrown from the tree by the explosion, but he received no injuries

from such explosion or from the fall. Herman E. Mosley, Jr., and Guy Marion Story were seriously injured by the explosion, which also caused the minor injury of Willard E. Mosley.

The three injured boys were taken from the scene of the explosion to the Anniston Memorial Hospital, Anniston, Ala., where Herman E. Mosley, Jr., died at 10:30 p. m. on the same date, the cause of his death being stated on his death certificate as follows: "Shock—multiple wounds of the chest, left thigh and abdomen." The injuries sustained by Willard E. Mosley have resulted in no permanent disability.

In entering the area where the aforesaid pecan tree was located these boys disregarded the warning contained on two large signs attached to posts situated near said tree, each of which stated:

FIRING AREA

DANGER

KEEP OUT

It appears that as a result of this accident Herman E. Mosley has incurred medical, hospital, and burial expenses in the aggregate amount of $579.25 ($200.15, the medical and hospital expenses incurred for the treatment of Herman E. Mosley, Jr.; $320, the expenses incurred in connection with the burial of Herman E. Mosley, Jr.; and $59.10, the medical and hospital expenses incurred for the treatment of Willard E. Mosley).

On December 21, 1945, Herman E. Mosley filed a claim with the War Department in the amount of $5,579.25 for the damages sustained by him as a result of the explosion of November 25, 1945 ($200.15 for the medical and hospital expenses incurred for the treatment of Herman E. Mosley, Jr., $320 for the expenses incurred in connection with his burial, and $5,000 on account of his death; and $59.10 for the medical and hospital expenses incurred for the treatment of Willard E. Mosley). The only statute then available to the Department under which a claim of this nature could be considered was the act of July 3, 1943 (57 Stat. 372; 31 U. S. C. 223b), as amended, which authorized the payment of a claim against the United States arising on or after May 27, 1941, "for personal injury or death, caused by military personnel or civilian employees of the * * * Army while acting within the scope of their employment, or otherwise incident to non-combat activities of the * * * Army * * *: *Provided*, That the * * * personal injury or death, shall not have been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agent, or employee." The act further provided that "The amount allowed on account of personal injury or death shall be limited to reasonable medical, hospital, and burial expenses actually incurred."

The claim of Mr. Mosley was disapproved by the Office of The Judge Advocate General of the Army, acting under appropriate delegated authority, on April 4, 1946, on the ground that this explosion and the damage caused thereby were not caused by any fault or negligence on the part of any officer, agent, or employee of the United States, but resulted solely from the negligence of the aforesaid boys, while trespassing upon Government property, in entering a dangerous area in total disregard of large posted signs warning them of their

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peril in entering such area and directing them to keep out. On May 7, 1946, Mr. Mosley appealed to the Secretary of War from the action taken in disapproving his claim. The appeal was considered by the Under Secretary of War, acting for the Secretary of War. After a careful consideration of the entire record in the case the Under Secretary of War on July 1, 1946, sustained the prior action of disapproval and denied the appeal therefrom on the same ground upon which the claim had originally been disapproved.

The Federal Tort Claims Act of August 2, 1946 (60 Stat. 843; 28 U. S. C. 931), as revised and codified by the act of June 25, 1948 (62 Stat. 933; 28 U. S. C. 1346 (b)), and as amended by the act of April 25, 1949 (63 Stat. 62), provides that as to tort claims against the United States where the amount involved is in excess of $1,000 the United States district courts—

"* * * shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on and after January 1, 1945, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred."

The act of April 25, 1949, supra, amending the Federal Tort Claims Act, further provides that a tort claim against the United States in an amount in excess of $1,000 "shall be forever barred unless action is begun within two years after such claim accrues or within one year after the date of enactment of this amendatory sentence, whichever is later." As this claim arose out of the aforesaid explosion of November 25, 1945, Herman E. Mosley had until April 25, 1950, within which to file a suit against the United States for the damages sustained by him as the result of such explosion. It appears, however, that he never availed himself of this remedy.

Inasmuch as the evidence in this case clearly establishes that the explosion which caused the death of one of the claimant's sons and the minor injury of another was not caused by any fault or negligence on on the part of any officer, agent, or employee of the United States, but resulted solely from the negligence of the claimant's three sons and one Guy Marion Story, while trespassing upon the Fort McClellan Military Reservation, in entering a dangerous area in total disregard of large posted signs, which were plainly visible, warning them of their peril in entering such area and directing them to keep out, there is no basis whatsoever for the granting of the award proposed by H. R. 5500. The Department of the Army, therefore, while deeply regretting the tragedy caused by this explosion, is obliged to recommend that this bill be not favorably considered by the Congress.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

FRANK PACE, Jr.,
Secretary of the Army.

AFFIDAVIT

STATE OF ALABAMA,
Calhoun County, ss:

My name is Herman E. Mosley. I am 46 years of age, and my permanent residence is R. F. D. 4, Anniston, Ala. I am married and the father of 10 children. Six of these are still living at home with me. Three children are married, and one child, Herman E. Mosley, Jr., was killed in an explosion on the military reservation of Fort McClellan, Ala., on November 25, 1945.

On the above date my deceased son had entered the reservation along with two of my other sons, Woodson J. Mosley and Willard E. Mosley, age 15 and 9 years, respectively, at the time, and Guy Marion Story, age 14 years at the time. These boys were attracted to the reservation by some pecan trees and entered the reservation at a point on the east side of the highway running from Fort McClellan to Anniston, Ala. At the point where the boys entered the reservation there had at one time been a net-wire fence in good condition. At the time I was driving a taxi and made numerous trips along this highway. I know of my own personal and certain knowledge that for at least 6 months prior to November 25, 1945, the above-mentioned fence was down for a considerable distance at the point where the boys entered the reservation. I also know that it was a common practice for the people living in my neighborhood to make frequent trips on the reservation for the purpose of picking berries, gathering fruit and pecans. The fence was flat on the ground for a distance of at least 30 feet, and people simply walked back and forth across it and paid no attention to it. At one point near this point in the fence there was a "no trespassing" sign which had been torn down and broken apart but was still lying near the fence.

Some time during the afternoon of November 25, 1945, an explosion occurred on the reservation while the above-named boys were there, and as a result of this explosion Herman E. Mosley was killed and Willard E. Mosley was seriously injured. As a result of this tragedy I incurred medical and hospital expenses in the amount of $297.25, and funeral expenses in the amount of $300. I have further been deprived of the services of my deceased son, Herman E. Mosley, Jr.

I drove by the place of entry the following day and the fence had already been repaired by straightening it up and again fastening the wire to the posts. The sign hereinabove referred to as lying on the ground was gone and a sign which appeared to be the same one was attached to the fence at a point where the one was previously lying on the ground. Before the date of the explosion access to the reservation could be had by simply walking in. The day after it would have been necessary to either climb over the fence or go to a gate. If the fence had been maintained and kept up and in good repair it was my opinion that no person would have deliberately climbed over it and this tragedy would not have occurred.

HERMAN E. MOSLEY.

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STATE OF ALABAMA,
Calhoun County, ss:

Before me, Wenona Lawler, a notary public in and for said State and county, personally appeared Herman E. Mosley, who is known by me, and who being by me first duly sworn on oath deposes and says: That the facts alleged in the foregoing affidavit are true and correct.

HERMAN E. MOSLEY.

Sworn to and subscribed before me this 2d day of November 1953.

[SEAL] WENONA LAWLER, *Notary Public.*

AFFIDAVIT

STATE OF ALABAMA,
Calhoun County, ss:

My name is Woodson J. Mosley; I am 22 years of age and live at Route 4, Anniston, Ala. I have lived in or near Anniston since I was 11 years of age. In 1945 I lived about 2 blocks from the boundary of the Fort McClellan Military Reservation. I was about 13 years old at the time. I hunted a lot during those years, and the hunting was very good on the reservation. I frequently hunted on the reservation with my brothers and our friends. Practically everyone in our neighborhood went on the post at their pleasure. The fence along the boundary was down at several places and it was a matter of simply walking on the reservation. At some places there were signs reading "No trespassing," but at many places these signs were not present, and no one paid any attention to them. To the best of my knowledge no one was ever told to get off the reservation, and everyone I talked to thought it was perfectly all right to go on the reservation. Many people went on the reservation to pick berries, hunt, and gather fruit.

About November 25, 1945, on a Sunday morning I had been hunting on the reservation and had located a good pecan orchard loaded with pecans. That afternoon Willard E. Mosley and Herman E. Mosley, my two brothers and a friend of ours, Guy Marion Story and I went back on the reservation to get some pecans. After we got to the orchard I had climbed a tree and the other three were on the ground. Guy Story picked up an unexploded shell which I was later told was a mortar shell. Herman saw him with the shell and told it might be dangerous and he had better put it down. Herman had just helped me up into the pecan tree and was standing at the base of the tree. Instead of putting the shell down Guy threw it against the tree trunk. The shell exploded and knocked me out of the tree. My brother Herman was badly injured and my other brother was seriously injured. Guy Storey was also injured seriously. Storey and Willard ran to the highway about a mile away, and I went to the south gate of the reservation to get help. An ambulance arrived shortly afterward and took my brother Herman to the hospital where he later died from the injuries. The other two boys finally recovered, and I was uninjured except for bruises sustained in the fall.

To my own certain knowledge the fence along the highway was repaired shortly after the accident.

WOODSON JOE MOSLEY.

STATE OF ALABAMA,
Calhoun County, ss:

Before me Wenona Lamler, a notary public, in and for said State and county, personally appeared Woodson J. Mosely, who is known by me, and who being by me first duly sworn on oath deposes and says: That the facts alleged in the foregoing affidavit are true and correct.

WOODSON J. MOSLEY.

Sworn to and subscribed before me this 7th day of November 1953.

[SEAL] WENONA LAMLER, *Notary Public.*

AFFIDAVIT

STATE OF ALABAMA,
Calhoun County, ss:

My name is P. M. Mosley. I am 71 years of age and I live at Route No. 4, Hollingsworth Subdivision, Anniston, Ala. I receive my mail at Post Office Box 1138, Anniston, Ala. Herman E. Mosley is my son and Herman E. Mosley, Jr., deceased, was my grandson. Herman E. Mosley, Jr., was killed by an explosion on the Military Reservation at Fort McClellan, Ala., on November 25, 1945. I am familiar with some of the facts and circumstances leading up to his death and I desire to make an exact and truthful statement about these facts.

I have lived in this community for more than 15 years last past. Prior to that I had lived for many years and helped build Fort McClellan during World War I. I am thoroughly familiar with the reservation.

For a period of at least 2 years prior to November 25, 1945, a section of fencing along the reservation boundary between Anniston and Fort McClellan had been torn down and in many places the net wire fence was flat on the ground and the strand of barbed wire that ran along the top of the fence was down too. For a number of years there were "no trespassing" signs along the fence, but these also had been destroyed for a period of at least 2 years preceding the death of my grandson. I do not know how or why the fence was torn down.

During this 2-year period the torn-down fence and the absence of signs served as an open invitation to the people in my neighborhood to go on the reservation to hunt, pick berries and fruit, gather pecans, etc. I went on the reservation quite frequently myself. I was not aware that I was doing anything wrong, since the fence was down and apparently was no longer serving any purpose. I was on the reservation the day the explosion killed my grandson. Mr. L. A. Wood was with me. At least a dozen other civilian people were on the reservation at that time. During all my trips on the reservation, at least 25 times, I was never told to leave or stay off the area. I never at any time received any instructions from anyone not to go on the reservation.

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A few days after the accident I was past this section of the fence that had been down and it had been repaired, pulled up to the posts and fastened in place and put in good condition again. Someone had again put "no trespassing" signs along the fence. Since that time I have not been back on the reservation. Several of us wanted to go back and see the spot where my grandson was killed, but since the fence was put up again we would not cross it. While the fence was down I saw lots of people go on the reservation at that point but since than I have not seen anyone go on the post at that point.

P. M. MOSLEY.

STATE OF ALABAMA,
Calhoun County, ss:

Before me, H. R. Burnhan, a notary public in and for said State and country, personally appeared P. M. Mosley, who is known by me, and who being by me first duly sworn on oath deposes and says: That the facts alleged in the foregoing affidavit are true and correct.

P. M. MOSLEY.

Sworn to and subscribed before me this 31st day of October, 1953.

[SEAL] H. R. BURNHAM, *Notary Public.*

AFFIDAVIT

STATE OF ALABAMA,
Calhoun County, ss:

My name is J. J. Turley. I am 67 years of age. I have lived in the community where I now live for about 32 years. My present address is Anniston, Ala., Route 1.

I have known Mr. Herman E. Mosley for about 15 years. I remember when Herman E. Mosley, Jr., was killed and I understand the date was November 25, 1945. I was not present on the reservation the day the accident occurred and am not acquainted with the exact circumstances of Herman E. Mosley, Jr.'s death.

I am familiar with the custom prevailing in this community at that time by which custom the public in general went on the Fort McClellan Military Reservation for the purposes of hunting, picking berries, gathering fruit and pecans, etc. I went on the reservation myself at any time I saw fit for any of these purposes.

There was a wire-mesh fence along the west boundary of the reservation which extended along the four-lane highway leading from Fort McClellan to Anniston by way of Quintard Avenue. This fence was pulled down at least 1 place for a distance of 20 or 30 feet. All you had to do to get on the reservation was simply walk in. To my knowledge no one was ever ordered off the post or told not to go on the post. The people in this community including myself went on and off the post at will, and were given no reason to believe there was anything wrong about it. I remember seeing small signs that read "no trespassing," at points along the fence but no one ever paid any attention to the signs, since the fence was down. I have seen 25 or 30 civilians on the reservation at the same time for the above-mentioned reasons.

Shortly after Herman E. Mosley's death the fence was repaired and no one was allowed to enter the reservation, but this all occurred after the accident. Since the fence was repaired I have never seen anyone go on the reservation except through the regular gates.

I have read the above statement and it is true to the best of my knowledge and belief. I have not been forced to make the statement and have been promised no reward for doing so.

Done at Anniston, Ala., this 2d day of June 1954.

J. J. TURLEY. [L. S.]

Sworn to and subscribed before me this 2d day of June 1954.

H. R. BURNHAM, *Notary Public.*

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Calendar No. 2726

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2680

EXEMPTING FROM TAXATION CERTAIN PROPERTY OF THE AMERICAN INSTITUTE OF ARCHITECTS IN THE DISTRICT OF COLUMBIA

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. BIBLE, from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany H. R. 11489]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 11489) to exempt from taxation certain property of the American Institute of Architects in the District of Columbia, after full consideration, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 9, strike the word "to" and insert in lieu thereof the word "shall".

Page 2, line 1, after the word "purposes," insert the following:

> or for the general business activities of said institute, subject to the proviso that said institute shall maintain the said Octagon House and outbuildings as historical buildings which shall be preserved for their architectural and historical significance, which buildings shall be accessible to members of the general public without charge or payment of a fee of any kind at such reasonable hours and under such regulations as may, from time to time, be prescribed by said institute.

The purpose of this bill is to exempt from taxation, national and municipal, lot No. 833 in square No. 170, known as the Octagon House and outbuildings, and the furniture, furnishings, and other personal property therein, owned by the American Institute of Architects, a nonprofit corporation organized and existing under the laws of the State of New York. The bill provides that the exemption from taxa-

missioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 16, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D.C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2915) for the relief of Peter Panos, there is attached a memorandum of information concerning the beneficiary. According to the records of this Service, the correct name of the beneficiary is Panagiotis Panagoulos. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Greece.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PETER PANOS, BENEFICIARY OF S. 2915

Peter Panos, whose correct name is Panagiotis Panagoulos, is a native and citizen of Greece who was born on August 23, 1931. His marriage to Willene Williams, formerly Willingham, Smith, Muller, and Van Cott, was terminated by divorce on September 23, 1955. They had no children. The beneficiary now lives at 2218 Mesquite Avenue in Las Vegas, Nev.

Mr. Panos, a high-school graduate, is employed as a counterman in his brother's restaurant in Las Vegas, Nev., at a salary of $84 weekly. His assets consist of $1,000 in a safety deposit box in a Las Vegas bank. His parents, one brother, and a sister live in Greece. His other brother resides in Las Vegas.

The beneficiary, who had previously been admitted to Canada for permanent residence on August 2, 1951, last entered the United States at Rouses Point, N. Y., November 23, 1953, by automobile as a visitor for pleasure upon the positing of a $500 departure bond. His request for an extension of stay was denied and he was granted until July 14, 1954, to voluntarily depart from the United States. He did not depart, the departure bond was breached, and deportation proceedings were instituted against him on August 15, 1955, on the ground that after admission as a visitor, he failed to comply with the conditions of such status. A special inquiry officer on December 23, 1955, denied the bene-

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ficiary the privilege of voluntary departure, found him ineligible for any other form of discretionary relief, and ordered that he be deported from the United States. His appeal to the Board of Immigration Appeals was dismissed on February 16, 1956.

Senator Alan Bible, the author of the bill, submitted the following information in support of the bill:

AFFIDAVIT

STATE OF NEVADA,
County of Clark, ss.

Wilma Panos, being first duly sworn upon oath according to law, deposes and says:

That she is the wife of Tom Panos and resides at 2320 Beverly Way, Las Vegas, Nev.; that she is the sister-in-law of Peter Panos, also known as Panagoitis Steven Panagopoulos;

That this affiant further states that she has no dependents and that she is willing to guarantee the support of Peter Panos who is needed in the business owned and operated by her husband, the said Tom Panos, and further guarantees that the said Peter Panos will not become a public charge.

WILMA PANOS.

Subscribed and sworn to before me this 16th day of January 1956.

BETTY BEEBE, *Notary Public.*

AFFIDAVIT

STATE OF NEVADA,
County of Clark, ss.

Tom Panos, being first duly sworn upon oath according to law, deposes and says:

That he is a resident of the city of Las Vegas, State of Nevada, residing at 2320 Beverly Way; that he is the brother and sponsor of Peter Panos, also known as Panogoitis Steven Panagopoulos;

That he was born in the city of Messene, country of Greece, on the 23d day of April 1902; that he became an American citizen on the 10th day of October 1944; that he owns and operates a restaurant in Las Vegas, Nev., known as the Melodie Lane; that his net worth is the approximate sum of $200,000;

That affiant further states that he has no dependents and that he is willing to guarantee the support of Peter Panos who is needed in affiant's business and further guarantees that the said Peter Panos will not become a public charge.

Dated this 16th day of January 1956.

TOM PANOS.

Subscribed and sworn to before me this 16th day of January 1956.

BETTY BEEBE, *Notary Public.*

MARC WILKINSON

LAS VEGAS, NEV., *January 18, 1956.*

To Whom It May Concern:

It has been our privilege to know very closely for the last 13 years Mr. and Mrs. Thomas Panos of Las Vegas, and for the past year Mr. Panos' brother Peter, recently come from Greece by way of Canada.

We have always been impressed by the high type of citizenry evinced by the Panos family and have been happy to know that the newcomer Peter has exhibited the same qualities. He is a fine type of young man, quick to learn the ways of our country, appreciative of the opportunities offered by the United States, and thoroughly honest and responsible.

There is no doubt whatever in our minds that he is eminently worthy of residence in the United States and that, given this opportunity and under the tutelage of his fine brother and sister-in-law and other members of the family here, he will make a good citizen and be a credit to America.

I trust sincerely that an opportunity will be afforded whereby he may remain in this country and to contribute, as so many others of his nationality have, to the culture and achievement of America.

Respectfully submitted,

MARC WILKINSON,
Late Consul General in Greece.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2915) should be enacted.

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Calendar No. 5275

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2708

LEILA PARK

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1971]

The Committee on the Judiciary, to which was referred the bill (H. R. 1971) for the relief of Leila Park, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay to Leila Park, of Waco, Tex., the sum of $534.95, in full settlement of her claim for reimbursement for damages inflicted to her automobile when an Air Force truck operated by an Air Force sergeant outside the scope of his employment crashed into the automobile while it was parked by the curbing in Waco, Tex., on March 1, 1952.

STATEMENT

On March 1, 1952, Sgt. Eldon R. Ernest, while under the influence of intoxicating liquors, drove an Air Force wrecker from the Waco Municipal Airport into the city of Waco, Tex., where he collided with the automobile of the claimant which was parked by the curbing on a street. Sergeant Ernest had taken the vehicle without authority from its normal parking place and had driven it on a purely personal mission for himself. Damage to the claimant's automobile amounted to $534.95. Apparently claimant had no insurance to cover the cost of these repairs. Miss Park filed a claim for administrative relief under the Tort Claims Act (28 U. S. C. 2672), which claim was rejected for the reason that the driver of the Air Force vehicle was not acting within the scope of his office or employment at the time of his accident. The evidence existing before the committee is that the damages sustained by Miss Park were not caused by any negligence

on her part. The damage was caused solely by the negligence of the Army sergeant who took the Government vehicle without authority.

The Department of the Air Force in its report on a prior bill for the relief of this same claimant, states that the Department refrains from making a recommendation with respect to enactment since the matter is primarily within the discretion of the Congress.

The committee believes that the legislation should be approved. The claimant was in nowise responsible for the accident which occasioned the damage to her automobile. Also it appears from the evidence before the committee that proper supervision was not maintained with respect to the use of the vehicles on this base with the result that the serviceman was able to take the vehicle, without challenge, from its proper parking place and use it in a manner contrary to verbal instructions of his commanding officer. It does not even appear from the record that the serviceman was even challenged when he drove the vehicle from the base. In the light of this failure of the service personnel to supervise properly the use of a Government vehicle, the committee recommends that the claimant be reimbursed for her losses.

Attached hereto and made a part hereof is the report of the Department of the Air Force and other pertinent data in connection with the claim.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, September 3, 1952.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: I refer to your request for the views of the Air Force with respect to H. R. 8425, a bill for the relief of Lelia Park.

The purpose of H. R. 8425 is to authorize and direct the Secretary of the Treasury to pay the sum of $858.95 to Lelia Park in full settlement of all her claims against the United States for property damage sustained when Sgt. Eldon R. Ernest negligently drove an Air Force truck into Miss Park's automobile on March 1, 1952. The bill states that Sergeant Ernest was not acting within the scope of his employment at the time of the collision.

The facts disclosed by the investigation show that on March 1, 1952, Sgt. Eldon R. Ernest, without authority, drove an Air Force 7½-ton 6-by-6 C–2 wrecker from the Waco Municipal Airport, Tex., into the city of Waco, where he collided with Miss Park's automobile, which was parked on a street. No one was injured. The lower of two estimates for the repair on Miss Park's automobile was $858.95. The records in this Department indicate that she had no insurance to cover the cost of repairs.

Miss Park promptly filed a claim in the amount of $858.95 under the Tort Claims Act (28 U. S. C. 2672). Her claim was investigated by a claims officer of the Air Force, who came to the conclusion that Miss Park did not have a claim cognizable under the Tort Claims Act because Sergeant Ernest was not at the time of the accident "acting within the scope of his office or employment," which is a condition precedent to recovery under the act. This conclusion was affirmed by the staff judge advocate of the San Antonio air materiel area. There is no other statutory authority available to this Department whereby Miss Park's claim can be considered.

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The evidence establishes that the property damage sustained by Miss Park was in no way caused by any fault or negligence on her part. The damage was caused solely by the negligence of the airman who took the Government vehicle without authority.

The Air Force is of the opinion that the United States is not legally liable in this case. Whether or not Miss Park should be reimbursed for the damage she sustained is therefore considered to be a matter solely within the discretion of and for final determination by the Congress. Accordingly, this Department respectfully refrains from making a recommendation with respect to the enactment of the legislation.

The Bureau of the Budget, while interposing no objection to the submission of this report, has advised that it is of the opinion that the facts and circumstances surrounding the loss sustained fully warrants an award to the claimant in the amount stated in the bill.

Sincerely yours,

JAMES P. GOODE,
Deputy for Manpower and Organization.

RICHEY, SHEEHY & TEELING (LAWYERS),
Waco, Tex., June 6, 1952.

Hon. W. R. POAGE,
Member of Congress, House Building,
Washington, D. C.

DEAR BOB: Miss Lelia Park, of this city, has been in to see me and requested me to write you concerning damages done to her car by one of the soldiers here on the Longhorn maneuvers while driving a Government truck. I believe her uncle, Will Edmund, has already written you something about this matter, and that you indicated to him that it would be necessary to introduce a private bill in order to secure payment of this claim. I presume you are already familiar in a general way with the details of this claim. To give you a complete picture of the facts, I am enclosing a letter dated May 29, 1952, which I received from the staff judge advocate at Kelly Air Force Base, where the claim has apparently been referred. This statement gives the full details as to how the claim arose. You will note from the statement in the letter that Sergeant Ernest, who was driving the Government truck when the accident occurred, was apparently authorized to drive this vehicle, because the letter states that he had been instructed not to drive it except for emergencies. I presume, in the condition he was in at the time he got in this vehicle, he thought an emergency had arisen.

At any rate, through his driving of this Government vehicle, Miss Park, who was entirely innocent in the matter, was caused severe financial damages by having her car badly wrecked.

The actual costs of the repairs on her car as a result of the accident were $534.95 plus $24 for a new tire, making a total cost of repairing damage done $558.95. In addition to this, she lost the use of her car for 2 weeks while it was being repaired. She uses her car in writing life insurance for Amicable Life.

I do not know whether it would be best simply to present a bill authorizing payment of the actual cost of the repairs amounting to $558.95 or to include in addition the loss of 2 weeks' use of this car, which she values at $150. This is a matter in which you are in a

better position to judge than we are, and whatever you decide about it will be all right with Miss Park.

I do not know what the Government's policy in this matter is, but it seems to me there is considerable equity in favor of this claimant.

Furthermore, Miss Park tells me that when they went out to the field after the accident there were no guards of any sort around the motor-vehicle pool.

Anything that you can do to help further this claim will be greatly appreciated.

With personal regards and best wishes, I am

Yours truly,

JOHN F. SHEEHY.

HEADQUARTERS, SAN ANTONIO AIR MATERIEL AREA,
Kelly Air Force Base, Tex., May 29, 1952.

Re Claim of Leila Park, No. SAAMA/52–478 (amount, $858.95).

Messrs. RICHEY, SHEEHY & TEELING, LAWYERS,
803–809 Liberty Building, Waco, Tex.

GENTLEMEN: Your letter of May 22 is acknowledged. It is inferred from your letter that Miss Park does not intend to appeal to the Secretary of the Air Force from the disapproval of her claim by the undersigned designee as she was notified by letter dated May 9, 1952. Accordingly, your letter is being considered as a withdrawal of the claim from further administrative consideration by the Air Force. We are, therefore, forwarding you herewith the original and one copy of the claim filed by Miss Park and other supporting documents which she herself has furnished, as authorized by current Air Force claims regulations. Said regulations prohibit furnishing claimants with reports of investigation or any other evidence not submitted by the claimants (par. 6e, Air Force Regulation 112–2, May 10, 1951).

In order that Congressman Poage may have sufficient information on which to base the private relief bill, a detailed statement of the facts and circumstances of the accident and personnel involved is as follows:

"At about 6 p. m. on March 1, 1952, Sgt. Eldon R. Ernest, AF–28667575, 146th Installations Squadron, 146th Fighter Bomber Wing, at the time stationed at the Waco Municipal Airport, Tex., while under the influence of intoxicating liquors, drove an Air Force 1942 Federal 7½-ton 6-by-6 C–2 wrecker (Air Force number: 54277) from the flight line at Waco Municipal Airport. No authority was given Sergeant Ernest to drive the wrecker, and he was not on a mission for the United States Government, but wrongfully took the truck from its normal parking place in front of the tents occupied by the crash crew on the flight line, and drove it off on a purely personal mission for himself and frolic of his own. Sergeant Ernest had been instructed on or about February 15, 1952, by his commanding officer, First Lt. Harry C. Coulter, USAF, not to drive the wrecker except for emergencies on the airport.

"While driving on the base, Sergeant Ernest picked up Pfc. James C. Shipman, AF–14417806, also of the 146th Installations Squadron, and proceeded in the wrecker off the base and into the city of Waco, Tex. The wrecker was then observed by two witnesses proceeding south on North Eighteenth Street in Waco, in an erratic manner. At about 6:20 p. m., the wrecker turned right off of North Eighteenth

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Street on West Avenue going west about 100 feet and then back to the left on North Eighteenth Street going south. The speed of the wrecker at this time was estimated at 15 miles per hour. The streets were paved and wet, and the weight of evidence established that the weather was clear at the time. After the wrecker turned the above corner, it continued on over to the east side of North Eighteenth Street, striking the right rear side of a 1949 Chevrolet club coupe, 1951 Texas license No. HP–6023, owned by claimant, Miss Leila Park, parked facing south at the east curb. The wrecker continued on pushing the Chevrolet up over the curb and into the lawn of the residence at 1105 North Eighteenth Street. While going over the curb, either the wrecker or the Chevrolet struck the left front fender of a 1950 Chrysler convertible, 1951 Texas license DR–9857, owned by Mr. H. C. Buchanan, 11th and Weber Streets, Waco, Tex., and parked at the east curb of North Eighteenth Street facing north. The blow forced the Chrysler crosswise in the street with the front end facing east.

"Neither the Chevrolet nor the Chrysler were occupied at the time of the impact. No one was injured. The wrecker backed off of the lawn into North Eighteenth Street almost immediately and proceeded south on North Eighteenth Street. Extensive damage was done to the right side of the Chevrolet. The left front fender, grille, and bumper of the Chrysler was damaged. The wrecker, while proceeding back to the base, ran out of gas at the intersection of Airport and China Springs Road, and was parked there by Sergeant Ernest. Sergeant Ernest and Private First Class Shipman then abandoned the wrecker. The Municipal Airport, Waco, Tex., was utilized by the USAF organization to which the Government driver was assigned, in connection with participation in maneuvers of Operation Longhorn. The permanent home station of said USAF organization and the Government driver is George Air Force Base, Victorville, Calif."

We are sorry that it is not in order for this headquarters to furnish other papers in the case accumulated and collected by Government personnel, but trust that the enclosed papers and the foregoing statement of facts will be sufficient information upon which to predicate the bill. Should additional information be necessary, please advise, and we shall promptly transmit your request to Headquarters, USAF, for decision.

Sincerely,

THOMAS D. WOOD,
Lieutenant Colonel, USAF,
Staff Judge Advocate.

Enclosure: Certificate of Waco Chevrolet Co.

File No.———

CERTIFICATE OF CLAIMANT'S DAMAGE

I. The attached is an itemized statement covering necessary repairs to the 1949 Chevrolet club coupe (Styline Deluxe) owned by Miss Leila Park, 1110 South 5th Street, Waco, Tex., made necessary as a result of an accident which occurred at 1105 North 18th Street, Waco, Tex., on 1 March 1952.

II. (*a*) Original cost of property, $1,890.96; (*b*) date of purchase, June 6, 1949.

III. (*a*) The fair market value of the above-described property immediately prior to the accident was $1,200. (*b*) The fair market value of the above-described property immediately after the accident was $600. (*c*) Difference in market value (before repairs) is $600.

IV. (*a*) The salvage value of the replaced damaged parts is none. (*b*) Market value of vehicle after repairs is $1,200.

V. The repair work as shown on attached itemized statement has been done, and the costs of repairs has not been paid in full.

VI. My occupation is certified auto mechanic. I have been engaged in this occupation for the past 14 years and hereby certify that the attached itemized statement is just and correct. I further certify that this certificate is made with full knowledge that it is to be used as a basis for a claim against the United States of America.

Dated this 24th day of March 1952.

WACO CHEVROLET CO.,
BERT KLEYPAS, *Service Salesman.*

215 North 5th, Waco, Tex.

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Calendar No. 2757

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2710

YI NYONG SUK

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2786]

The Committee on the Judiciary, to which was referred the bill (S. 2786) for the relief of Yi Nyong Suk, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That, notwithstanding the provisions of section 212 (a) (12) of the Immigration and Nationality Act, Yi Nyong Suk, the fiancee of Lieutenant James F. Brown, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided*, That the administrative authorities find that the said Yi Nyong Suk is coming to the United States with a bona fide intention of being married to the said Lieutenant James F. Brown and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Yi Nyong Suk, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Yi Nyong Suk, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Yi Nyong Suk as of the date of the payment by her of the required visa fee. The exemption provided for in this Act shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

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PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the fiance of a United States citizen serviceman to enter the United States so that she may marry her citizen fiance and thereafter reside in the United States, notwithstanding a ground for inadmissibility. The bill has been amended to conform the language with established precedents.

STATEMENT OF FACTS

The beneficiary of the bill is a 22-year-old native of Japan and citizen of Korea, presently residing in Taejon, Korea, where she is employed as a sales clerk. She is engaged to marry Lt. James F. Brown, a United States citizen. Lieutenant Brown is presently stationed at Kinross Airbase, Mich., and was previously stationed in Korea from October 1954 to September 1955, where he met the beneficiary. The beneficiary has been informally advised by officials of the United States consular office in Korea that she would be ineligible to receive a visa as one who has engaged in prostitution.

A letter, with attached memorandum, dated March 22, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 22, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judicary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2786) for the relief of Yi Nyong Suk, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are prostitutes, or who have engaged in prostitution, and authorize the issuance of a visa to the beneficiary as a nonimmigrant temporary visitor for a period of 3 months, provided she is coming to the United States with the bona fide intention of being married to her United States citizen fiance, Lt. James F. Brown, and is found to be otherwise admissible. The bill also provides that this waiver shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

The bill further provides that in the event the marriage between the above-named persons shall occur within 3 months after the entry of the beneficiary, a record of her lawful admission for permanent residence shall be created upon payment of the required visa fee. In the event the marriage does not occur within 3 months after the

entry of the beneficiary, she shall be required to depart from the United States and upon failure to do so, shall be deported.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE YI NYONG SUK, BENEFICIARY OF S. 2786

Information concerning this case was obtained from the beneficiary's fiance, Lt. James F. Brown.

The beneficiary, Yi Nyong Suk, a native of Japan and a citizen of Korea, was born on July 16, 1934. She has never married and is presently residing at Taejon, Korea.

The beneficiary is employed as a sales clerk. She completed elementary school. Information as to her income or assets is not available. Her widowed mother, a brother, and two sisters reside in Korea.

According to Lieutenant Brown, the beneficiary has not been refused a visa, but was informally advised by officials in the office of the United States consul in Korea that she would be ineligible to receive a visa because she is known to have practiced prostitution.

Lieutenant Brown was born on February 17, 1930, at Wild Rose, Wis. He has been on active duty with the United States Air Force since June 1953, and is presently stationed at Kinross Airbase, Mich. He was stationed in Korea from October 1954, to September, 1955. Lieutenant Brown has testified that he first met the beneficiary in January 1955, and plans to marry her if she is permitted to enter the United States.

A companion bill, H. R. 8204, has been introduced in the 84th Congress for the relief of the beneficiary.

Senator Alexander Wiley, the author of the bill, submitted the following letters from the beneficiary's citizen fiance in support of the bill:

SPOONER, WIS., *October 29, 1955.*

DEAR SENATOR ALEXANDER WILEY: This letter is a request for your sponsorship of a personal act. This subject has already been brought to your attention in correspondence from Lawyer Wiley, of Chippewa Falls, Wis. I had a personal visit with him explaining in part the reasons why I believe this exception to Public Law 414 should be granted.

The following is a brief summation of facts and reasons: (1) Parties involved (*a*) Yi Nyong Suk, age 21, born July 16, 1934, and a Korean; (*b*) myself (1st Lt. James F. Brown AO3018552), age 25, born February 17, 1930, and race white. (1) Reason for personal act is admission to the United States, as my wife, of Yi Nyong Suk. (3) Exception to be made is Public Law 414, section 212, subsection 12. (4) I was stationed in Korea from October 13, 1954, through September 19, 1955. (5) I have known Yi Nyong Suk since January 5,

1955. (6) If necessary I will transport Yi Nyong Suk to the United States at no expense to the United States Air Force. (7) Our marriage would take place in Seoul, Korea, or at the port of entry. (8) We have the full support and backing of my family in this request.

To give you more complete information and request a personal talk with you at your convenience and my expense, by phone or a personal visit. It is difficult to convey complete information and feelings by correspondence, and would appreciate your help very much. Please answer soon.

Sincerely,

JAMES F. BROWN.

SPOONER, WIS., *November 24, 1955.*

DEAR SENATOR ALEXANDER WILEY: Having talked with W. C. Hefner of your office by phone November 19, I will try to do as he suggested. It is difficult to convey information, complete with the smallest details, and my personal feelings by correspondence. But I also know that you have a great deal of information and things on your mind.

Here is some additional information concerning my request. Yi Nyong Suk was a war refugee at the age of 16 (1950). While I was in Korea an investigation (by the United States Air Force Office of Special Investigation) was started of her background the results of which were never made official. Investigations such as these are conducted by USAF OSI but all the footwork being done by Korean investigators.

In some cases servicemen have paid these Korean investigators in order to obtain a good report. In my case I could have done the same but not being familiar with Public Law 414 and not wanting some day to be vulnerable to blackmail we did not pay. Chaplain Hannan had offered his help and the help of two people at the American Embassy, Mr. Mason and a Miss Pomeroy. Also with our future in mind I neeled to save all the money possible to start our home with in the United States. With confidence that the help of people at the Embassy and Chaplain Hannan, also being a USAF officer, my judgment considered good, would be enough we refused when approached about paying. Thus the report of the Korean investigators was a black one and I was informed by the USAF OSI that it would be impossible to bring her to the United States. Still after this, through Chaplain Hannan, Mr. Mason was contacted but it was not within his power to help.

Now I am not stating the report was completely false, but some of it was. The report written by these investigators put a dark light on her background. Yi Nyong Suk has made mistakes in the past, so have we all. There are others who have made more mistakes and are in the United States today only by the fact they knew the right people to pay, that is the Korean investigators and police. There are persons born, raised, and living in the United States who make Yi Nyong Suk look like an angel. These people have never been through two wars on their homeland in such a short lifetime. Also we live under a much different set of rules and laws here in the United States.

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I have talked with many on this subject not just my family but also chaplains and friends. It is the opinion of these people that we should be given a chance for happiness. I know there are others who would say never give anyone a second chance. My convictions on this need little explaining. I love Yi Nyong Suk very much and will do everything possible to bring her to the United States as my wife.

May God be your guide, I am

Sincerely yours,

JAMES F. BROWN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2786), as amended, should be enacted.

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Calendar No. 2758

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2711

LJERKA ZAGAR

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3476]

The Committee on the Judiciary, to which was referred the bill (S. 3476) for the relief of Ljerka Zagar, having considered the same reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 5, change the period to a comma and add the following:

> and the assurances heretofore filed on her behalf by her prospective adoptive United States citizen father shall be held and considered to meet the requirements of section 5 (b) of the said Act. Any application for a visa filed on her behalf pursuant to section 5 (a) of such Act may be considered and processed notwithstanding the death of her prospective United States citizen adoptive father.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to deem Ljerka Zagar to be under 10 years of age, and to preserve the validity of an application filed on her behalf under the provisions of the Refugee Relief Act of 1953, as amended, by her prospective United States citizen adoptive father, who is now deceased.

STATEMENT OF FACTS

The beneficiary of the bill is an 11-year-old native and citizen of Yugoslavia, who presently resides in that country. The beneficiary's

mother was admitted to the United States for permanent residence on October 11, 1952, and on August 17, 1955, was married to Joseph Placek, a citizen of the United States. Mr. Placek died on May 7, 1956. Prior to his death, he filed the appropriate assurances in behalf of the beneficiary under the Refugee Relief Act of 1953, as amended. However, they could not be considered inasmuch as the beneficiary was over the age of 10 years. The bill, as introduced, provided that the beneficiary be held to be under 10 years of age. Inasmuch as the adoptive father is now deceased, it has been necessary to amend the bill to also preserve the validity of the assurances, and to provide that any application for a visa filed on the beneficiary's behalf may be considered and processed.

A letter, with attached memorandum, dated June 21, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 21, 1954.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3476) for the relief of Ljerka Zagar, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Miami, Fla., office of this Service, which has custody of those files.

The bill is intended to confer special nonquota status upon the alien child pursuant to section 5 (a) of the Refugee Relief Act of 1953, by providing that she be held and considered to be under 10 years of age.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LJERKA ZAGAR, BENEFICIARY OF S. 3476

Information concerning the case was obtained from Mr. and Mrs. Joseph Placek, the beneficiary's stepfather and mother.

The beneficiary is an 11-year-old child, a native, citizen, and resident of Yugoslavia, who was born on April 27, 1945. She now resides in an orphanage in Zagreb, Yugoslavia, and has never been in the United States. Her mother, Mrs. Joseph Placek, who is her only relative, resides in the United States.

Mrs. Placek, who is a native and citizen of Yugoslavia, was born Slavica Zagar on December 22, 1927. She was admitted to the United States for permanent residence on

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October 11, 1952, at which time she was destined to United States citizens Mr. and Mrs. Frank Novak. The Novaks adopted Slavica Zagar in a court in Yugoslavia in 1947. Slavica Zagar changed her name officially to Gloria Slavka Novak on January 18, 1954. She married Joseph Placek, a citizen of the United States in Milton, Fla., on August 17, 1955. She has testified that this is her only marriage. Mr. Placek has testified that this is his second marriage and that his first marriage was terminated by the death of his first wife. Mrs. Placek resided in Brookfield, Ill., from the time of her admission to the United States until July 1955. She was employed as an electrical appliance assembly line worker in Cicero, Ill., and then as a bookbinder in Chicago, Ill. She is now a widow and operates a motel.

Mr. Placek died of a heart attack on May 7, 1956. He was born on December 31, 1907, in Pittsburgh, Pa. He resided in Austria with his parents from 1908 to 1925. He resided in Cicero, Ill., from 1942 to 1955, and was employed as a tool and die maker by the Jefferson Electric Co. in Bellwood, Ill., from 1925 to 1955. He testified before his death that he had no children of his own. He also advised that he owned and operated the Red River Ranch Motel, Milton, Fla., which is valued at $65,000. There is an unpaid mortgage balance of $40,000 against this motel which is payable at the rate of $400 a month. His income was approximately $8,000 a year. As his widow Mrs. Placek inherited all of his assets.

Senator George Smathers, the author of the bill, submitted a number of letters and documents in support of the bill, among which are the following letters:

UNITED STATES SENATE,
Washington, D. C., March 22, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: I am enclosing herewith a copy of S. 3476, which I introduced on March 19, for the relief of Ljerka Zagar, and which has been referred to your committee.

I am also enclosing my entire file on this case for the information and consideration of your Subcommittee on Immigration, to which I understand this bill will be referred by your committee.

This is a most meritorious and deserving case, and I am writing to express the hope that the committee may be able to consider this bill at an early date so that it may be reported to the Senate and acted upon in this session of the Congress.

Thanking you and with kind regards, I am

Sincerely yours,

GEORGE SMATHERS,
United States Senator.

MILTON, FLA., *February 22, 1956.*

Hon. GEORGE SMATHERS,
United States Senator,
Washington, D. C.

DEAR GEORGE: I wish to obtain your assistance with the State Department, and to obtain approval to bring a child from an orphanage in Yugoslavia to her mother, who lives in Milton, Fla. The name of the child is Ljerka Zagar, Diecji Dom, G. Perkrizje 48, Zagreb, Yugoslavia, Europe, and she is 11 years of age. Her mother had not been married at the time of her birth. The mother came to the United States in 1952 and is married to Joseph Placek, of Milton, who owns and operates a nice tourist court here.

They wish very much to get the little girl to this country and her stepfather wants to adopt her.

I enclose herewith original and copy of assurance of adoption, signed by Joseph Placek and wife, Gloria Slavka Placek (the mother of the child); original and copy of statement by Harrison Realty Co., of date February 16, 1956, as to description and value of the tourist court owned by Mr. Placek; original and copy of statement by vice president of First National Bank in Milton, concerning financial condition of Joseph A. Placek; birth registration No. 2770, certificate No. 114519, relating to certificate of birth of Joseph Placek on December 31, 1907, at Pittsburgh, Pa.; certified copy of marriage record of Joseph Placek and Gloria Slavka Novak, as recorded in marriage book I at page 440, records of Santa Rosa County, Fla., date of marriage being August 17, 1955; and, further, original and copy of affidavit of mother of child.

I will greatly appreciate whatever you may do to aid in obtaining early approval for the entry of this child. Her transportation will be paid for by Mr. Placek.

It was a real pleasure to visit with you on the occasion of the dedication of Escambia Bay Chemical a few days ago, and also to visit with your able assistant and my friend, Jim Powell. Please give him my best regards.

In appreciation for your efforts in this particular, I am,

Sincerely yours,

WOODROW M. MELVIN.

MILTON, FLA., *May 23, 1956.*

Re Ljerka Zagar.

Hon. GEORGE SMATHERS,
United States Senator,
Washington, D. C.

DEAR GEORGE: With further reference to your letter to me of March 22 advising that you had introduced a bill (S. 3476) for the relief of Ljerka Zagar, concerning whom I have previously written you, I regret to advise that Mr. Joseph Placek, who is the stepfather of this child, suffered a heart attack and expired on May 7. Mrs. Gloria Placek, the mother of the child for whose benefit you introduced the legislation, is by reason of being the sole heir of Joseph Placek as able as Mr. Placek would have been to offer assurances for

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the child's support. I call this matter to your attention now so that we may, in the light of this occurrence, do whatever is necessary to offer amended assurances for the child's support.

I wish to tell you of my personal appreciation for the concern that you have shown for this woman in her distress and to aid her in her desire to be reunited with her daughter.

With kindest personal regards, I am,

Cordially yours,

WOODROW M. MELVIN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3476), as amended, should be enacted.

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Calendar No. 2759

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2712

PETER JOCHER WEBB

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3908]

The Committee on the Judiciary, to which was referred the bill (S. 3908) for the relief of Peter Jocher Webb, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

AMENDMENT

In line 10, change the period to a colon and add the following:

Provided further, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to one who is feebleminded in behalf of the alien minor child adopted by a United States citizen. The bill provides for the posting of a bond as a guaranty that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is an 8-year-old native and citizen of Germany who has never been in the United States. He was adopted in Germany by a United States citizen member of our Armed Forces who married the beneficiary's mother. The beneficiary is presently residing in Germany with his grandmother who is in poor health. He has been denied a visa on account of a mental retardation.

A letter, with attached memorandum, dated July 17, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 17, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3908) for the relief of Peter Jocher Webb, there is attached a memorandum of information conerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New Orleans, La., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are feebleminded, and would authorize the alien's admission for permanent residence, if he is otherwise admissible under that act. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PETER JOCHER WEBB, BENEFICIARY OF S. 3908

Information concerning this case was obtained from the beneficiary's mother, Mrs. Karolina Antonia Webb, and his adoptive father, Otis Willie Webb.

The beneficiary was known before his adoption as Peter Winfried Jocher. He was born illegitimately to Karolina Antonia Jocher in Munich, Germany, on March 21, 1948. He has never been in the United States. He was adopted by Otis Willie Webb on September 28, 1953, in Landshute, Germany, after his mother's marriage at that place to Otis Willie Webb on August 21, 1953. He is living with his grandmother, Mrs. Karolina Deimer, 16/0 Kraeler Strasse, Munich, Germany. He is, however, supported by his mother and adoptive father who are now living in the United States. The beneficiary was refused a visa to come to the United States because he is mentally retarded.

The beneficiary's mother was born in Hausham, Germany, on January 25, 1927. Her education consists of 8 years of grammar school and 3 years of high school. She claims to be an expert seamstress. While in Germany she worked in the kitchen for the American Red Cross in Munich, Germany,

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from 1946 to 1947. She was admitted to the United States for permanent residence at New York on November 24, 1953, as a nonquota immigrant. Although she has worked for short periods of time as a waitress in different restaurants in New Orleans following her entry into the United States, she is presently occupied as a housewife.

The beneficiary's adoptive father was born in Tylertown, Miss. on August 11, 1926. He is a corporal in the United States Army (Military Police) presently stationed at Camp Leroy Johnson, New Orleans, La. His income, which is derived entirely from his salary in the Army, is approximately $320 per month. He has no property. He attended school for 4 years in Columbia, Miss. He enlisted in the United States Navy on October 5, 1943, and was honorably discharged at Corona, Calif., on December 18, 1945. He thereafter enlisted in the United States Army on November 3, 1947, and has continuously served in that branch of the Armed Forces until the present time. He intends to make this his career.

The beneficiary's mother and adoptive father have one other child, Sylvia Webb, born to them on July 1, 1953, in Munich, Germany. This child is living with them at 1963 Army Parkway, New Orleans, La. They state that if the beneficiary is permitted to enter the United States and is found unqualified to attend a regular school, they will enroll him in a suitable private school. They expressed concern about the beneficiary's welfare in the event his aged grandmother, with whom he is living in Germany, should become ill. The beneficiary's mother has a sister, Elizabeth Jocher, who resides at 25 Schleissheimer Street, Munich, Germany. Her mother and father have been divorced for many years. Neither the child's mother nor his adoptive father has ever been previously married.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary's application.

A letter dated May 24, 1955, to Senator James O. Eastland from the American consul at Munich, Germany reads as follows:

AMERICAN CONSULATE GENERAL,
Munich, Germany, May 24, 1955.

Hon. JAMES O. EASTLAND,
United States Senate, Washington, D. C.

MY DEAR SENATOR EASTLAND: I have received your letter of May 10, 1955, concerning the immigration case of Peter Jocher Webb, the adopted son of Mr. and Mrs. Otis W. Webb, 4527 Plum Orchard Street, New Orleans, La.

The child has been found inadmissible into the United States under the provisions of section 212 (a) (1) of the Immigration and Nationality Act of 1952. I am enclosing a copy of an office memorandum, dated May 23, 1955, from the medical officer in charge of the United States Public Health Service, attached to this office, and a copy of

the neuropsychiatric consultant's findings of January 3, 1955, regarding the child's condition.

I assure you that the child's case has been accorded every consideration consistent with the immigration laws and regulations.

Sincerely yours,

J. RAYMOND YLITALO,
American Consul.

MAY 23, 1955.

Re Peter Webb.

Miss WINN,
Visa Section, United States Public Health Service:

The above individual was presented to our neuropsychiatric consultant on January 3, 1955. He diagnosed him as a feebleminded child and a class A–I notification was issued as of the date of his examination (feeblemindedness, mental deficiency, moderate).

I recommend that you send a copy of the consultant's findings to the inquiring Senator.

CHARLES P. STEVICK, Sr.,
Surgeon (R), Medical Officer in Charge.

WEBB, PETER, 6-YEAR-OLD WHITE GERMAN BOY

Examined at: American consulate, Munich, Germany.
On: January 3, 1955.
Informant: Applicant's aunt, Elizabeth Jocher.
Interpreter: Miss Duelk (clerk PHS).

Applicant deferred by Dr. Tamlyn in 1953 because of mental retardation and history of convulsive disorder.

Miss Jocher stated that the applicant was born on March 21, 1948, and that as far as she could recall the pregnancy and delivery were normal. At the age of 4 months he became ill with a high fever and was hospitalized for 2 months during which time he received penicillin. After discharge from the hospital, the aunt alleges, he was perfectly normal until 1953 when he began to experience transient episodes during which times his hands would "cramp," his whole body stiffen, and he would stare unknowingly. After such an episode he would usually cry for a short period. These episodes apparently occur at intervals of from 7 to 12 weeks and have no apparent precipitants. The boy has never fallen or bitten his tongue nor have there been accompanying clonic movements or bowel and/or bladder incontinence. No "foaming" at the mouth or cyanosis have been noted. Following his short crying spell he resumes his former activity. His doctor stated that these spells were caused by nervousness and apparently the boy has received no specific treatment for his condition except for medication following such spells. The aunt knew nothing of the kind given him. The aunt stated that the boy developed normally except for his nervousness; "if he sees a lot of people he just keeps talking because he is nervous." He now can dress and feed himself and only occasionally is enuretic. He plays with other children she said but he has not been started in school because of the pending decision regarding his visa application.

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He had measles at age 9 months without sequelae and no other illness with the exception of the one at 4 months.

His younger sister and parents are living and well and went to the United States in 1953. The boy has been living with his grandmother since that time. No familial history of disease was elicited.

Mental status: This little boy generally wandered about the room and evidenced a short attention span during the interview. When offered the first Ferguson form board he showed little ability to concentrate on the task but after much prompting was successful in completing it. He would not attempt the second board. He followed verbal directions poorly but could mimic the sound of a dog and cat. He attempted to draw a house when so requested but his motor ability was very poor and his drawing crude and without form.

Neurologic examination: He had only the stubs of teeth. The musculature of the left arm was less developed than the right and there was increased tone on the left. He did not use the left arm as well as the right. The tendon reflexes were very brisk and there was an unsustained ankle clonus on the left. The Babinskis were bilaterally positive. There appeared to be a weakness in strength of the left lower extremity. A more complete examination was not possible because of the applicant's poor cooperation.

Other sources of information:

(1) Report of psychological examination December 21, 1954, at Kinderpoliklinik Munich: "He still is overactive and lacking the capacity to direct his attention. Developmental I. Q. 50. Intelligence I. Q. 60."

(2) Report of EEG, October 15, 1953, from University of Munich: "Typical deep sleep EEG. Focal findings in the area of the right quadrant of the hemisphere were a delta focus. Convulsive disorders originating in the celebral focus can happen."

Impression: This boy is mentally retarded and has signs of spastic disease and a history of a continuing convulsive disorder. No information is currently available regarding the onset of his spastic disease and in view of the conflicting information regarding his convlusive disorder I would certainly recommend to the family that he be carefully followed by a competent neurologist.

Recommendation: Class A, feeblemindedness, mental deficiency moderate, 000–y902 (undiagnosed disease of nervous system 900–y00).

MARVIN F. MILLER, M. D.,
Neuropsychiatric Consultant.

NEW ORLEANS, *May 14, 1956.*

DEAR SENATOR EASTLAND: I am writing you in regard to the personal bill that my wife and I have requested you to get in regard of getting our son, Peter W. Webb, a visa to the United States. We hope you have done this, and if so we know it won't be long before we will have our child with us. Sir, we hope you will take quick action in getting this bill passed. It is of most importance to us and the boy that he will be with us soon. In case there would be something what may take the bill longer to be passed, we would be

most thankful to you if you would get the boy a visitor visa to the United States, until you be able to get the bill passed.

I understand that my wife's mother who is taking care of the boy now is not in good physical health, and we do not know how much longer she will be able to take care of our child. I understand it is possible—a Senator's request and your influence—I know it can be done.

We thank you very much.

Very truly yours,

Cpl. and Mrs. OTIS W. WEBB.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3908), as amended, should be enacted.

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Calendar No. 2763

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2715

HERMENGILDO V. SANTOS AND HIS SON, FELIPE CRUZ SANTOS

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2627]

The Committee on the Judiciary, to which was referred the bill (S. 2627) for the relief of Hermengildo V. Santos and his son, Felipe Cruz Santos, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. Strike all after the enacting clause and insert in lieu thereof, the following:

That for the purposes of the Immigration and Nationality Act, Hermengildo V. Santos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of his last entry, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

2. Amend the title of the bill to read:

A bill for the relief of Hermengildo V. Santos.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Hermengildo V. Santos. The bill provides for an appropriate quota deduction and for the payment of the required visa fee. The bill has been amended to grant perma-

nent residence as of the date of the beneficiary's last entry and to delete the son's name.

STATEMENT OF FACTS

The beneficiary of the bill is a 51-year-old native and citizen of the Republic of the Philippines who last entered the United States on September 12, 1948, at Honolulu, T. H., with a special passport as the officer in charge of the Philippine Procurement Mission in the United States. He served in that capacity until he voluntarily resigned in 1954. The beneficiary is married and his wife and 10 children, whom he supports, reside in the Philippines. He was a major in the Philippine Army prior to 1941 and by Presidential proclamation, as a member of the Philippine Commonwealth Army, he was ordered into the service of the Armed Forces of the United States from September 1, 1941, to June 30, 1946, at which time he was released from the service in the Armed Forces of the United States, also by Presidential proclamation. While serving in the United States Armed Forces, he volunteered to go on a special mission in the islands for which he received the Bronze Star Medal. Since resigning from the Philippine Procurement Mission in 1954, the beneficiary has been engaged in the export-import business in New York City and the committee files contain many attestations to his honesty and integrity. Because of the unusual circumstances involved in this case, particularly the beneficiary's meritorious service in the Armed Forces of the United States during World War II, the committee feels that his case merits special consideration. On the basis of the record of his service with the United States Armed Forces he would have been eligible for special naturalization privileges, and, accordingly, the committee feels justified in adjusting his status to that of a permanent resident as of the date of his last entry, which will permit him to proceed toward naturalization and ultimately to be reunited with his family.

A letter, with attached memorandum, dated January 18, 1954, to the then chairman of the Senate Committee on the Judiciary from the then Commissioner of Immigration and Naturalization with reference to S. 2169 which was a bill introduced in the 83d Congress for the relief of the same beneficiary reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 18, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 2169) for the relief of Hermenegildo V. Santos, Asuncion C. Santos, Fernando C. Santos, Fermin C. Santos, Felipe C. Santos, Feliciano C. Santos, Florante C. Santos, Fortunato C. Santos, Hermenegildo C. Santos, Jr., Federico C. Santos, Felino C. Santos, Franklin C. Santos, and Florencia C. Santos, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the bene-

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ficiaries by the New York, N. Y. office of this Service, which has custody of those files.

The bill would grant the beneficiaries the status of permanent residents of the United States upon the payment of the required visa fees. It also directs that 13 numbers be deducted from the appropriate immigration quota. It should be noted that only two of the beneficiaries, namely, Hermenegildo V. Santos and Felipe C. Santos, are presently in the United States, and insofar as they are concerned the bill appears to be adequate. However, as to the other 11 beneficiaries, who are residing in the Philippine Islands, the bill appears to be inadequate to grant the relief intended and should provide for the issuance of immigrant visas to these beneficiaries, notwithstanding the quota limitations of the Immigration and Nationality Act, and authorize their admission for permanent residence if they are otherwise admissible under the act.

The beneficiaries are chargeable to the quota of the Philippine Islands.

Sincerely,

ARGYLE R. MACKEY,
Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HERMENEGLIDO V. SANTOS, ASUNCION C. SANTOS, FERNANDO C. SANTOS, FERMIN C. SANTOS, FELIPE C. SANTOS, FELICIANO C. SANTOS, FLORANTE C. SANTOS, FORTUNATO C. SANTOS, HERMENEGILDO C. SANTOS, JR., FEDERICO C. SANTOS, FELINO C. SANTOS, FRANKLIN C. SANTOS AND FLORENCIA C. SANTOS, BENEFICIARIES OF S. 2169

The beneficiaries, Hermenegildo V. Santos, Asuncion C. Santos, Fernando C. Santos, Fermin C. Santos, Felipe C. Santos, Feliciano C. Santos, Florante C. Santos, Fortunato C. Santos, Hermenegildo C. Santos, Jr., Federico C. Santos, Felino C. Santos, Franklin C. Santos and Florencia C. Santos are husband, wife, and children, respectively. They were born May 16, 1905, March 25, 1912, May 31, 1928, March 13, 1930, November 21, 1931, December 22, 1933, February 13, 1936, January 21, 1938, December 25, 1938, January 7, 1941, January 16, 1942, June 16, 1946, and April 11, 1948, respectively, and are natives and citizens of the Philippine Islands. Hermenegildo V. Santos was admitted to the United States at Honolulu, T. H., on September 12, 1948, with a special passport, as the officer in charge of the Philippine Procurement Mission in the United States. He has never been admitted to the United States for lawful permanent residence. Felipe C. Santos entered the United States on March 3, 1952, as a seaman for 29 days. He was granted an extension of stay until July 29, 1952, and on October 6, 1952, his status was changed to that of a member of the family of an official of a foreign government. He has never been admitted to the United States for lawful permanent residence. The other beneficiaries are still residing in the

Philippine Islands and information concerning them was furnished by Hermenegildo V. Santos.

Hermenegildo V. Santos was married to Asuncion C. Santos in the Philippine Islands on April 27, 1927. The other beneficiaries are the children of this marriage. Mr. Santos received a bachelor of laws degree from the National University in Manila, in 1931, and a master of science degree in business administration from the University of the Philippines in 1938. He was a practicing attorney and a man of means in the Philippine Islands. He also held various Philippine Government positions. Prior to September 1941, he was a major in the Philippine Army. In 1941, by proclamation of the President of the United States, the organized military forces of the Government of the Commonwealth of the Philippines were ordered into the Armed Forces of the United States under the command of a general officer, United States Army, to be designated by the Secretary of War from time to time.

As a result of this proclamation, the Philippine Army was placed under the command of General MacArthur and became subject to the orders of the United States Army Headquarters in the Philippines. On September 1, 1941, Mr. Santos' Philippine regiment was placed under the supervision and control of the United States Army. The records of the United States Army disclose that he was a member of the Philippine Commonwealth Army in the service of the Armed Forces of the United States from September 1, 1941, to June 30, 1946, when, while still a member of the Philippine Commonwealth Army, he was released from the service of the Armed Forces of the United States, by proclamation of the President of the United States. He volunteered and went on a special mission to the United States Armed Forces of the Far East Division Units in the Islands of Cebu, Iloilo, Bohol, and Mindanao in December 1941, for which in May 1946, he received the Bronze Star Medal.

Mr. Hermenegildo V. Santos is still a major in the Philippine Army. He was in the employ of the Philippine Procurement Mission from September 1948 until June 1953. In June 1953, Col. Elphidio P. Duque was sent to the United States by the Philippine Government to take charge of the Philippine Procurement Mission. Mr. Santos was relieved from duty and ordered to return to the Philippine Islands. Rather than return to the Philippine Islands, as ordered, he requested that he be placed on inactive status as of January 13, 1954. Mr. Santos is now a partner in the export and import firm of Santos & Amiag Co., located in New York City. He supports his wife and children, who are residing in the Philippine Islands, and there is no one in the United States dependent upon him for support.

On October 20, 1953, Mr. Hermenegildo V. Santos filed a petition for naturalization in the District Court of the United States, Southern District of New York, under section 324A of the Nationality Act of 1940, which petition was given

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number 608177 and is still pending. He was advised, at that time, that he was not eligible for naturalization, since he was never a member of the Armed Forces of the United States. He was further advised that even if he had been a member of the Armed Forces of the United States, he would not be eligible for naturalization, since under section 324 (A) induction into the United States Army must take place in the United States, the Canal Zone, American Samoa, or Swains Island, or there must be a subsequent admission into the United States for lawful permanent residence. On December 12, 1952, an application for preexamination was granted, but no steps were taken by Mr. Santos to proceed in preexamination.

On April 23, 1953, a petition for classification as a quota immigrant for an alien whose services are urgently needed in the United States was filed and rejected by the service because of failure to establish a prima facie case.

The beneficiary Felipe C. Santos resides with his father, Hermenegildo V. Santos. He was married in Manila, on November 4, 1950, and one child was born in Manila as a result of this marriage. His wife and child reside in the Philippine Islands and there is no one in the United States dependent on him for support. He is a high-school graduate and is presently unemployed. On October 22, 1953, he was indicted by the grand jury for the Court of General Sessions, New York County. The grand jury charged 2 counts of rape, second degree, 1 count of assault, second degree, and 1 count of assault, third degree. Subject was arraigned on November 12, 1953, pleased not guilty and released on $500 bond. The girl involved in these charges is 16 years of age.

The remaining beneficiaries are the wife and other children of Hermengildo V. Santos and reside in the Philippine Islands. There is no derogatory information concerning any of these beneficiaries, except Fernando C. Santos. Mr. Hermenegildo V. Santos alleged that Fernando was arrested in Manila in 1945 or 1946. He claimed to have no knowledge of the charge or of the circumstances of the arrest, but stated the charge was dismissed by Judge Almeda in the Municipal Court in Manila.

Since the files of this Service contain no further information concerning these beneficiaries who reside abroad, the committee may desire to have an appropriate investigation conducted abroad.

A letter dated February 29, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with further reference to the case reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., Feburary 29, 1956.

CHAIRMAN, COMMITTEE ON THE JUDICIARY,
United States Senate, Washington, D. C.

DEAR SENATOR: This refers to the committee's oral request for a supplemental report in the case of Hermengildo V. Santos, one of the

beneficiaries of private bill S. 2627. Specifically you requested information as to whether or not the beneficiary's service in the Philippine Army during the period it was called into the service of the Armed Forces of the United States under Executive order dated July 26, 1941, would constitute service in the Armed Forces of the United States within the purview of section 329 of the Immigration and Nationality Act or section 324 (A) of the Nationality Act of 1940.

Title 2 of the act of February 18, 1946, in Sixtieth United Statutes at Large, page 14, Congress provides:

"That service in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President of the United States dated July 26, 1941, shall not be deemed to be or to have been service in the military or naval forces of the United States or any component thereof for the purposes of any law of the United States conferring rights, privileges, or benefits upon any person by reason of the service of such person or the service of any other person in the military or naval forces of the United States or any component thereof, except benefits under (1) the National Service Life Insurance Act of 1940, as amended, under contracts heretofore entered into, and (2) laws administered by the Veterans' Administration providing for the payment of pensions on account of service-connected disability or death:"

Since the above act, in effect, superseded the view expressed in Petition of Augustine (62 F. Supp. 832), it appears that Mr. Santos will not be eligible for naturalization under section 329 of the Immigration and Nationality Act in the event S. 2627 is enacted into law.

Sincerely,

J. M. SWING, *Commissioner.*

Senator Herbert H. Lehman, the author of the bill, has submitted numerous letters and documents in connection with the case, among which are the following:

EMBASSY OF THE PHILIPPINES,
Washington, July 13, 1955.

To Whom It May Concern:

This is to certify to the good character and moral integrity of Lt. Col. Hermenegildo V. Santos (retired), FS, Armed Forces of the Philippines.

CARLOS P. ROMULO.

Certified true copy.

———— ————.

MANILA, PHILIPPINES, *May 3, 1956.*

Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee,
United States Senate,
Washington, D. C., U. S. A.

SIR: In connection with your Senate bill 2627 for the relief of permanent residence for Maj. Hermenegildo V. Santos and his son, Felipe Cruz Santos, I have the honor to transmit to you the following facts or comments regarding Major Santos:

1. That after the Filipino war prisoners (I was one of them) were released on parole from the POW concentration camp at Capas,

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Tarlac, Philippines, those found among them in good physical condition were made to undergo what the Japanese Military authorities termed as a "Reorientation course" at one of the schools in Manila. Major Santos was one of them. During the time he was there, he used to bring to school news and counterpropaganda broadcasts of the Allies which he gathered the night before through some hidden radio receiving sets. This he did every day, in spite of the death penalty imposed upon any person caught propagating such broadcasts. Among the officers in that school to whom Major Santos used to give those broadcasts were the late Gen. Vicente Lim, the late Col. Telesforo Martinez, who were both killed by the Japanese Kempitai during the Japanese Occupation of the Philippines, and Col. Federico G. Oboza, now a retired brigadier general of the AFP.

2. That when the Philippine Procurement Mission (AFP) was created, Maj. Gen. Mariano N. Castaneda and the undersigned, then Chief and Deputy Chief of the Philippine Constabulary respectively, chose Maj. H. V. Santos to open its office at New York City, because of his special qualifications, to wit: (*a*) He is an attorney at law; (*b*) he is a master of science in business administration; (*c*) he has been a government bureau auditor; and (*d*) his efficiency rating was high and his honesty was unquestioned in his fiscal work in the office of the ACS, G–4, of the Philippine Constabulary.

With such qualifications and educational attainments, the undersigned sincerely believes that Maj. Hermenegildo V. Santos will be a credit and will give honor to any country that may adopt him as its citizen.

Very respectfully,

ALBERTO RAMOS,
Brig. Gen., AFP, Ret.

CORTE MADERA, CALIF., *May 4, 1956.*

Hon. JAMES O. EASTLAND,
United States Senate,
Washington, D. C.

DEAR SENATOR EASTLAND: This letter is written in behalf of Hermenegildo V. Santos, Lt. Col. A. F. P., Retired, a Philippine Army officer, whose request for United States citizenship is the subject of Senate bill 2527.

Colonel Santos states that he is in receipt of instructions from the Immigration Service, dated April 25, 1956, directing his departure from the United States on or before May 22, 1956, due to the indefinite postponement of congressional action on S. bill 2627.

Colonel Santos has been known to me since 1941. He served with me in the United States Forces in the Philippines during the Defense of the Philippines. I did recommend him for a decoration for bravery, which he received.

He is highly intelligent, courageous, full of energy and initiative, of high moral character and by both word and deed has expressed and displayed devotion to the United States to a superlative degree. He loves the United States for the fine things for which our country stands.

I unhesitatingly recommend him for citizenship.

I am at a loss to understand the quirks in bureaucracy that make it so difficult for a man of his character, ability, and demonstrated devotion to the United States to obtain United States citizenship,

while at the same time admitting our late enemies by the the thousands. I can't believe it is the intent of the law.

In view of Colonel Santos present situation, which he terms desperate, I can assure you that everything that can be done to effect the immediate rescinding of the deportation order and the early passage of S. bill 2627 will be simple acts of justice, which Colonel Santos richly deserves.

Your support is requested.

Sincerely yours,

JOHN R. VANCE,
Colonel, United States Army, Retired.

Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee,
United States Senate, Washington, D. C.

DEAR SIR: May you permit me to hereby very respectfully beg you, sir, and all the honorable members of your committee and the United States Congress for the approval of Senate bill 2627. My husband Maj. Hermenegildo V. Santos sent me a copy of this bill immediately after the Honorable Lehman introduced it in July 1955.

He and I jointly decided to settle down there so that all our children will have great opportunities to study and work hard. He has told them when they were yet small during the occupation that America is a very good country worth fighting and dying for, because the people there are good to all the people of the world. I know that is true, sir, because even against my advice and of my parents and his brothers and sister after he was paroled as a sick prisoner of war, he always insisted on broadcasting the correct war news personally and with help of his guerrilla men saying that if that is not done the Japs might mislead the Filipino against the American soldiers.

Please, dear Senator, kindly help us very much. My husband fought and worked and sacrificed very hard for the United States during the war and the Japanese occupation. And, likewise, sir, please all our children realize their dreams and vindicate their faith in all of you before his children and all the people to whom he lectured in his propaganda work.

Thank forever, sir.

Most respectfully,

ASUNCION C. SANTOS.

NEW YORK, N. Y., *May 4, 1956.*

Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR MR. CHAIRMAN: As one of the national leaders of the United States our dear chairman is, following the traditional kindness of the great American people, and in line with the benevolence of Congress in the naturalization of aliens and noncitizen nationals, who honorably served in the Armed Forces of the United States:

"While the statute employs the words 'enlistment' and 'induction'; neither enlistment or induction is declared by the statute to be a condition precedent to the bestowal of citizenship. Service in the military or naval forces of the United States during the present war is the designated statutory prerequisite.

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"It is clear from an examination of the congressional proceedings at the time section 701 (which later became sec. 1001, then sec. 724A or 324A, then finally sec. 329 of present Public Law 414) was adopted that Congress did not intend to establish any formalistic technicalities as a condition precedent to the bestowal of citizenship upon aliens serving in our Armed Forces.

"The House committee reporting H. R. 1710 (which became sec. 701) said: It is a matter of historic record that the Government of the United States, as an encouragement to loyal aliens engaged in the defense of this country through service in the Armed Forces, has in past years, relieved them from some of the burdensome requirements of the general naturalization laws."

"And again in the same report, it is stated: This proposed legislation proceeds upon the principle that non-citizens who are ready and willing to sacrifice their lives in the maintenance of this democratic Government are deserving of the high gift of United States citizenship." (Petition of Agustin, 62 Fed. Suppl. 832.) May you please forgive us to again come to, you, sir, and beg for your kind help for a favorable reconsideration by the honorable committee of our Senate bill 2627.

In our very desperate situation (ordered by the New York Immigration and Naturalization Service to depart or be deported on May 22, 1956), may you most kindly, dear sir, extend to us your heart and helping hand. Please, dear sir, give us now your favored vote, in turn for which I once tried to give my life for American over ordinary Army war duties in the last World War, and will gladly do it all over again, and doubtlessly, our children will gladly do the same.

Thanking you very much, wishing our dear chairman long life, and God's blessings always for him and his family, I am

Very respectfully yours,

HERMENEGILDO V. SANTOS.

NEW YORK, 25, N. Y., *May 2, 1956.*

Hon. HERBERT H. LEHMAN,
United States Senate, Washington, D. C.

DEAR SIR: With reference to Senate bill 2627 (so very kindly filed in our behalf); the letter dated April 18, 1956, of the Honorable James O. Eastland, Chairman of the Judiciary Committee, informing of the committee's action: "* * * to postpone indefinitely consideration of this bill because approval of the measure appeared unwarranted on the basis of the information available to the committee," and our very desperate situation under the order of voluntary departure or deportation on or before May 22, 1956, may we respectfully beg, through your kindness, sir, for the kind reconsideration of said action, by the honorable chairman and members of the said committee.

Apparently, the Immigration and Naturalization Service is of the opinion, and so informed the committee that, even if through the kindness and graciousness of the honorable chairmen and members the said bill for permanent residence is approved, still allegedly I could not immediately be naturalized under the special provisions of the Immigration and Nationality Act granting naturalization to aliens and non-citizen nationals, who honorably served in the Armed Forces of the United States, because it is said that my service (September 1, 1941,

to June 30, 1946) in the said Armed Forces in the last World War cannot now be considered as such service in said Armed Forces under Public Law 301, otherwise known as the First Supplemental Surplus Rescission Act, 1946. If such be the case, it also said, that my wife and children and my son's family would be separated from us for some years yet before our naturalization, contrary to the policy of Congress to unite families. At this juncture please allow us first to express our sincere admiration for this congressional policy of uniting families we believe to be, indeed, one soundest foundation for the greatness of this country. That is our fervent wish to let them join us immediately after our naturalization. This is we hope to realize with the kindness of the honorable Congress of the United States.

With due respect to the Immigration and Naturalization Service, we, however, beg to differ from its said opinion or point of view for the following reasons:

1. That in his military order, dated July 26, 1941, copy attached, pursuant to which I was inducted or drafted into the service of the Armed Forces of the United States on September 1, 1941, at Lingayan, Pangasinam, Philippines, the President of the United States did not qualify that my individual military service therein would only be for certain limited benefits, nor did he provide that I would not be entitled to be naturalized by virtue of such service.

2. That also Captain Kaplan of the United States Army, the duly authorized representative of the President of the United States, who inducted or drafted me into the service of the said Armed Forces did not also inform me then or at any time thereafter that my said service would be for certain limited benefits only; nor did he also say that I would not be entitled to naturalization based on such service.

3. That the illuminating principles enunciated by the United States District Court granting naturalization under the Nationality Act of 1940 in the case of the Petition of Augustin (62 Fed. Suppl. 832) not having been reversed by any subsequent decision of any other United States District Court, or United States Circuit Court of Appeals, or the United States Supreme Court, are still in force and their beneficial effects could justly be applied to me, who had been duly and formally inducted in said Armed Forces of the United States; on the contrary the same principles and citations were made in the Petition of Delgado (57 Fed. Suppl. 460), and favorably cited in the Petition of Wong Sie Lim (61 Fed. Suppl. 84), Petition of You Lo Chen (74 Fed. Suppl. 619), and, likewise, they were also approved in principle by Chief Judge Magruder in the said Petition of You Lo Chen (170 Fed. 2nd 307).

4. That neither has the honorable Member of Congress subsequently passed a law clearly expressing in definite terms that a Filipino soldier, who has honorably served in the said Armed Forces cannot be naturalized under the aforementioned special naturalization provisions of the said Nationality Act of 1940.

5. That an unofficial view of a representative of said Immigration and Naturalization Service to the effect that the phrase "excluding the Philippine Islands" in section 324a, Nationality Act, 1940, excludes my naturalization is not in order, in view of the fact that there is nothing in said law nor one could find anything in the pertinent Congressional Record definitely excluding the Filipino soldier from being naturalized under said law, and that it would be but

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just and fair to hold otherwise that the said phrase having been inserted by the amending act of 1948 only was merely intended to denote the change in the political status of the Philippines, and should not be held to adversely affect, in justice and equity, the individual military service already rendered prior to the enactment of said amendment in 1948, and that the naturalization being granted by Congress is to the individual soldier and not to the country of his birth or origin.

6. That from the said date of my induction, September 1, 1941, and throughout or during my entire service in said Armed Forces until my release therefrom on June 30, 1946, pursuant to the military order, dated June 29, 1946, copy attached, of the President of the United States, I was, likewise, not informed by any superior officer of the said Armed Forces or by any other representative of the said President that my said service would be for certain limited benefits only and would not entitle me to naturalization so kindly granted by Congress in the said special provisions of the Nationality Act of 1940, under which Philippine guerrilla leader, Col. Marcos Agustin (not even formally inducted in said Armed Forces) was duly granted naturalization (petition of Agustin, supra).

7. That in the said military order of June 30, 1946, the President of the United States also did not qualify that my individual service in said Armed Forces would be for certain limited benefits only and not to include the precious right of naturalization that any person can ever aspire for.

8. That also on the said date of my induction, September 1, 1941, the inducting officer, Captain Kaplan, duly authorized representative of the President of the United States, who promulgated the said military order of July 26, 1941, "Under and by virtue of the authority vested" in him "by the Constitution of the United States" and its laws and "as Commander-in-Chief of the Army and Navy of the United States," administered to me the oath of allegiance and obedience to the flag, the Constitution of the United States and its laws; by virtue thereof I became subject to the said flag, the Constitution, laws, and the jurisdiction of the United States and thereby assumed the obligation of allegiance and obedience, by which I correspondingly became entitled to the precious right of the "equal-protection clause of the Constitution of the United States, section 1, article XIV, quoted as follows:

Article XIV Constitution of the United States *Sec. 1* "* * * *nor shall any State deprive any person* of life, liberty, or property without due process of law, *nor deny to any person* within its jurisdiction *the equal protection of the laws.*" (italics supplied) and on account of said provision of the Constitution of the United States, I humbly believe, I should kindly be granted also the precious right of naturalization equally granted to other aliens, who honorably served in the Armed Forces of the United States as provided by the honorable Members of the Congress of the United States.

9. That as aforestated the basis of the said opinion or point of view of the said Immigration and Naturalization Service is a provision in the Supplemental Appropriation Rescission Act, Public Law 301 of February 18, 1946, a clear reading of which would not show any categorical words stating that the Filipino soldier, who has already honorably rendered service in the said Armed Forces of the United

States cannot be naturalized any more; if at all, the opinion was based only on an inference, which procedure of inference, it is most respectfully urged, cannot or should not overcome the more reasonable, just, and logical interpretations, as traditionally reflective of the kindness of the American heart, of the solemnly worded provisions of the aforementioned (1) military order, of July 26, 1941, of the President of the United States, (2) the principles of the said decision of the United States District Court (Petition of Agustin, 62 Fed. Supplement 832), (3) the more definite provisions of the Nationality Act of 1940, so inspiringly provided by the honorable Members of the Congress of the United States, specifically granting naturalization for honorable service in the Armed Forces of the United States.

10. That said provision relied upon by the said Immigration and Naturalization Service is a provision inserted in the aforementioned Supplemental Appropriation Act in the form of a "rider," which is said as not looked upon with favor by the courts, apparently because it is believed that the honorable Members of Congress may not have had ample opportunity to discuss it on account of the more important and more pressing questions about the amounts being asked for appropriations for the various activities, purposes, etc., and that said "rider" is generally limited to the lifetime or period covered by the appropriation, unless Congress in more definite expression has provided for its continuing effect, which it did not do in this particular case.

11. That it would be more reasonable to believe that the said "rider" provision relied upon by the said Immigration and Naturalization Service is intended by the honorable Members of Congress to have the effect only of limiting the extent of the appropriations provided, instead of curtailing in such unsolemn manner the most precious right so solemnly provided in another act (1940), and so richly earned by the soldier through "blood and fire" and sacrificing and risking his life for this great Nation, and that also, instead of the United States appropriating funds for the naturalization, the alien soldier so naturalized will be the one paying to the United States, which in turn would provide funds that Congress could use in providing appropriations for public governmental purposes.

It may also be said in this connection that since the latter part of 1951 yet, I have been working hard to obtain this very precious right or privilege of permanent residence and naturalization. I have even applied for a visa with the American Consulates General in Toronto and Montreal, Canada, where I am registered on the waiting list since March 11, 1952, yet, as per attached true copy of notification. Also, I have filed on April 24, 1952, with the New York Immigration Office my petition for naturalization No. 608177, based on my honorable service in the Armed Forces of the United States, which until now is pending in said Office and has not been forwarded to the court allegedly due to the warrant of arrest against us, and likewise, for the same reason, my son, Felipe, could not be called to Army duty by his Draft Board to whom he volunteered to be called immediately.

It is also respectfully believed that for the same general principles of naturalization based on honorable service in the Armed Forces of the United States and the savings clause (sec. 405a, Public Law 414), as enunciated by the United States Circuit Court of Appeals in the recent case of *Dominador Dimapilis Aure* v. *The United States of America* (225 Fed. Reporter 2d. Series, 88), my said petition for

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naturalization could be favorably considered by the honorable court, either under part (2) of section 324a or section 324 of the Nationality Act of 1940, I having rendered 4 years and 10 months (September 1, 1941, to June 30, 1946) of honorable service in the said Armed Forces of the United States, and having already continuously resided in the United States from September 12, 1948, to the present, or about 7 years and 8 months, where I have already adapted myself and my son, Felipe to the American Way of Life, the best ever in the world, and from this great country, I have been endeavoring through our Santos & Aniag Co. to help push through the sales of American manufactured goods to the Philippines and other places, thus helping even in a modest way yet in the expansion of the foreign trade of the United States.

Herewith is a photostat copy of the duly notarized letter of my wife, dated May 6, 1953, clearly expressing our (jointly hers and mine) decision to settle down in that (this) wonderful country and where all our beloved children will have the best opportunities in life. Immediately after filing of our present bill 2627, I furnished her with a copy for her information.

In this connection I wish to state that should there be an appropriate opportunity for the purpose in the present course of the psychological propaganda aspect of the cold war between our democracy against communism, I hereby humbly and solemnly volunteer my services, immediately after our naturalization, to the Department of State or any other Federal agency for propaganda and counterpropaganda work in any foreign country for a year or two, even on the barest living and transportation expenses only. I wish to again have the honor of serving once more this great country, because I strongly believe that because of its historical kindness to all peoples of the world it is, indeed, worth working, fighting, and dying for, so help me God.

In view of the foregoing, my humble services in said Armed Forces of the United States, during those darkest hours in the life of Mother America, for whom I gladly risked my life and the future of my wife and children—

1. Normal Army war service;
2. Volunteered special war mission, *December 12–18, 1941;*
3. Guerrilla activities of counterenemy propaganda;

and in consonance with the historical "humanitarianism," unequaled at all times in the world, and for the sake of the memory of our Filipino comrades who fell fighting in the last war with the thought that they were fighting for America with equal risks and equal rights like all other soldiers, particularly the other alien soldiers in the Armed Forces of the United States, may I humbly and most respectfully beg, sir, in the true American sense of justice as taught to us in the American established schools in the Philippines, for the kindness of yourself, sir, and of the honorable chairman and members of the said Judiciary Committee, all the honorable Members of the United States Congress, and His Excellency, the President of the United States, to the end that the faith in me of my wife, children, friends, and all those brave people who listened to my said counterpropaganda broadcasts and preachings of the unparalleled goodness of this great

United States of America, during those fateful years (1942–45), shall not have have been in vain.

Thanking you, sir, and the honorable chairman and all the members of the Judiciary Committee and the Congress and His Excellency, the President of the United States, for all your kind attention, indulgence, and reconsideration, we shall always be

Very gratefully yours,

HERMENEGILDO V. SANTOS,
FELIPE CRUZ SANTOS.

True copy: ——— ———.

REPUBLIC OF THE PHILIPPINES,
GENERAL AUDITING OFFICE,
OFFICE OF THE REPRESENTATIVE OF THE AUDITOR GENERAL,
New York, N. Y., July 29, 1953.

To Whom It May Concern:

Based on the bank balance remaining to the credit of the Philippine Procurement Mission (AFP) fund as of July 17, 1953, and the attached invoice-receipts of PPM office equipment and semiexpendable property, Maj. Herminegildo V. Santos, FS, AFP, is hereby cleared of all money and property accountability in the United States.

M. E. FERNANDEZ,
Representative of the Auditor General.

REPUBLIC OF THE PHILIPPINES,
GENERAL AUDITING OFFICE,
OFFICE OF THE REPRESENTATIVE OF THE AUDITOR GENERAL,
New York, N. Y., March 10, 1955.

To Whom It May Concern:

I have known Lt. Col. Hermengildo V. Santos (retired, FS, Armed Forces of the Philippines) for more than 25 years to be an honest and intelligent person possessing a good moral character and unquestioned integrity.

From 1926 to 1940 he worked with me in the former Bureau of Audits (now General Auditing Office) of the Philippine Government at Manila and since 1948 until his retirement from the Philippine Army in 1953, again I had been associated with him in his capacity as Officer-in-Charge of the Philippine Military Procurement Mission in New York, whose transactions and vouchers were subject to my audit.

His administration of the Philippine Military Procurement Mission was efficient and above board and insofar as his accounts were concerned he had been cleared of all his accountability for public funds and property.

Colonel Santos is a bachelor of laws and a member of the Philippine bar. He is also a holder of the degree of master of business administration from the University of the Philippines.

M. E. FERNANDEZ,
Auditor, NY Agency, Philippine National Bank, Representative of the Auditor General of the Philippines in the United States.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2627), as amended, should be enacted.

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Calendar No. 2764

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2716

JOSEPH SANTO

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2325]

The Committee on the Judiciary, to which was referred the bill (H. R. 2325) for the relief of Joseph Santo, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay Joseph Santo of Roscoe, Pa., the sum of $500 in full settlement of all claims against the United States for reimbursement of the amount of a departure bond which was executed on May 18, 1948, in connection with the admission of his fiance, Zora Krizan, into the United States in accordance with the provisions of the act of June 29, 1946, as amended, relating to the admission of fiances of veterans.

STATEMENT

Mr. Santo furnished the bond in the amount of $500 in the expectation that he and Miss Krizan would be married within the period provided for in the law. However, Miss Krizan decided against marrying Mr. Santo, and failed to depart in accordance with the terms of her admission. Her status was subsequently adjusted under the Displaced Persons Act, and a record was created showing her admission for permanent residence as of the date of her original entry into the United States. Since this retroactive adjustment of her legal status was made to the date of her original entry the Department of Justice has indicated that it would interpose no objection to the enactment of the bill. In view of these circumstances, and the

further fact that it appears to have been grossly unfair to have required Mr. Santo to bear the loss of the amount of the bond in this case, the committee recommends the favorable consideration of the bill.

Attached hereto for the information of the Senate is the report of the Department of Justice, together with certain correspondence submitted in support of this claim.

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D. C., June 8, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 2325), for the relief of Joseph Santo.

The bill would provide for the payment to Joseph Santo, of Roscoe, Pa., the sum of $500 as reimbursement for the loss sustained by him in connection with the forfeiture of a $500 departure bond posted on behalf of his fiance, Zora Krizan.

Zora Krizan, a native of Czechoslovakia, arrived in the United States on December 16, 1948, at the port of New York where she was admitted as a temporary visitor under the provisions of the act of June 29, 1946, as amended by the act of March 24, 1948, relating to the admission of fiances of veterans. Claimant posted a bond in the sum of $500 to insure that she would depart from the United States upon the expiration of the period of her admission in the event they did not enter into marriage. Personal differences arose between claimant and his fiance and Miss Krizan decided against marrying him. Miss Kirzan's period of admission expired and deportation proceedings were instituted against her. Her subsequent application for adjustment of her status under the Displaced Persons Act, however, was approved and a record was created showing her admission for permanent residence as of the date of her temporary admission to the United States. The bond posted by claimant in behalf of Miss Krizan was declared breached and payment in the sum of $500 was received by the Immigration and Naturalization Service and subsequently deposited into the Treasury of the United States.

The circumstances in this case indicate that a retroactive adjustment of legal status to date of original entry was made and the Department of Justice interposes no objection to the enactment of the bill.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

MARCH 2, 1956.

Hon. Congressman THOMAS E. MORGAN,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN MORGAN: I am in receipt of your letter informing me that it will be necessary for me to furnish the Judiciary Com-

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mittee with evidence in support of bill H. R. 2325 introduced in my behalf.

As a veteran of World War II, I availed myself of the GI fiance privilege and had a young girl by the name of Zora Krizan from Czechoslovakia brought to the United States with the intention of marrying her within 3 months after her arrival. I posted a $500 bond for her transportation as was required by law. The cash was deposited in the Charleroi Bank, Charleroi, Pa., and the bond was executed on May 18, 1948, by the New Amsterdam Casualty Co. in Pittsburgh, Pa.

Zora Krizan arrived in New York, by plane on December 16, 1948. All things appearing satisfactory, we were to be married on February 15, 1949. The day before the marriage was to take place, Sister M. Rosalia, a member of the Vincentian Sisters of Charity in Pittsburgh, Pa., came to my home in response to a letter from Zora in which she complained to Sister that she was very unhappy and fearful of the future. Sister M. Rosalia was no relative to Zora, but she was asked by an acquaintance of Zora's in Europe, to take an interest in her welfare when she would arrive in the United States.

I was not aware of Zora's unhappiness and was quite surprised when Sister reproached me on grounds of enslaving the girl. I attributed her timidity to loneliness and to the process of adjustment, thinking that in time she would feel at home with me and my family. I had two children and my mother living with me. Sister M. Rosalia told me that Zora could not marry me because I was divorced and that was contrary to her religious beliefs. I did inform Zora of my marital status before she came to the United States, but evidently, in her eagerness to get to this country, she did not give the matter any consideration. Regardless of facts, Sister M. Rosalia took Zora away from my home and on the following day, she reported the matter to the Immigration Service in Pittsburgh, Pa. I did likewise, and since the Sisters took the matter in hand, I relinquished further responsibility for Zora.

As matters stood, Zora was subject to deportation, but she pleaded so earnestly not to be sent back behind the Iron Curtain that a bill H. R. 3267 was introduced into the House of Representatives on March 15, 1951, by Mr. Robert Corbett, of Pittsburgh, Pa., asking Congress to permit her to remain in this country as a permanent citizen. Subsequently, she was classified as a displaced person, DP-8122, and I understand that a record of her lawful entry was created to show admission as of December 16, 1948. Her alien registration number is: A-7,210,182. She became a citizen of the United States on November 11, 1954.

During all this interval, I have tried repeatedly to collect the $500 bond which was deposited for her return trip in case she had to go back to Czechoslovakia. Each time, I was told that I would have to wait until Zora's case was settled. Then I learned that the bond had been breached and payment was made to the Immigration Service on February 9, 1953. This was very disappointing to me since I am in great need of the money. My health is not good, and I have a wife and four children to support.

Our Government is most generous to everyone in need of assistance, and so I am confident that it will not turn down a veteran who asks

only the return of his own money. Please, give this matter your earnest consideration. I shall appreciate anything you can do for me.

Respectfully yours,

JOSEPH SANTO.

VINCENTIAN SISTERS OF CHARITY,
Pittsburgh, Pa., March 1, 1956.

Hon. THOMAS E. MORGAN,
House of Representatives,
Washington, D. C.

DEAR MR. MORGAN: May I call your attention again to the case of Mr. Joseph Santo, of Roscoe, Pa., the veteran of World War II about whom I first wrote to you in November 1954?

This man ran into complications when he transported a young girl, Zora Krizan, from Czechoslovakia to this country with the intention of marrying her. Mr. Santo's letter will explain the complications which developed after her arrival at his home, and so I shall just state my reason for being concerned about the settlement of the matter.

Zora Krizan Buranosky was in my charge after she left the house of Mr. Santo until she became a citizen of the United States in November 1954.

Originally, the court assured Mr. Santo that he would get his $500 back after Zora's status was settled, and then, before it was settled, the bond was breached and the money was deposited into the United States Treasury. Although Mr. Santo's behavior toward Zora was blameworthy, I was hopeful that the Government would not deprive him of his money on that account. I believe that both parties were sincere at first about marrying each other, but when the incompatibility developed, it was better for them to separate than to enter into an unhappy marriage and end up with a divorce. Our country aims to make its people happy and free, and I am certain that if the matter is presented before Congress, it will be viewed in the right light, and it will vote the money returned to Mr. Santo, if for no other reason, then at least, in consideration of the fact that he fought to defend his country.

Senator Martin and Congressman Corbett had helped Zobra, who is now Mrs. Buranosky, happily married and mother of two lovely children. She will ever be grateful for the help and protection which our Government offered her when she was a stranger in need. I was directed to write to you in behalf of Joseph Santo. Will you kindly do all in your power to help to settle this unfortunate case?

Assuring you of my deepest gratitude for any action taken by you, I remain,

Yours sincerely,

SISTER M. PRUDENTIA.

NATIONAL CATHOLIC WELFARE CONFERENCE,
Washington, D. C., September 16, 1954.

DEAR SISTER PRUDENTIA: We are sorry to note that, the bond having already been breached and deposited in the United States Treasury, there is no legal way of getting it back unless Congress will pass a bill to restore the $500 to Mr. Santo.

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We do think, however, that Mr. Santo's Congressman, or one of the Senators from Pennsylvania, should be willing to introduce a bill to this effect.

We think the policy of the Immigration Service in breaching bonds where the immigration status of the person for whom the bond was placed was subsequently adjusted by an act of Congress, as was the case here, was not valid and the change of policy on the part of the Service seems to have been brought about by the decision of Judge Dimock, United States District Court, Southern District of New York, in the case of Abram Brull.

In this decision it was stated that:

"All the defendant ever agreed to do was to pay $500 if the alien did not depart "without expense to the United States, upon failure to maintain the status of an immigrant student." The sum of $500 liquidated damages was supposed to cover the expense which the United States would suffer if the alien did not so actually depart. If there had been no provision for liquidated damages, the United States could have recovered nothing except the expenses involved in deporting the alien for breaking the conditions of his admission. The provision for liquidated damages did no more than fix the amount of such expenses at an agreed figure; it did not make damages recoverable even if none could be suffered. The United States by solemn action of the Congress and the Attorney General has retroactively made Abram Brull a permanent resident and thus put it out of his power ever to deport him as an alien who has broken the conditions of his admission. Since the United States as of a date prior to the breach of the bond, thus voluntarily prevented the possibility that it might suffer damages from such breach, it cannot now collect damages for that breach."

We very much hope that Mr. Joseph Santo can prevail upon a Congressman to introduce a private bill for the purpose of recovering the amount of the bond.

With every good wish, I remain

Very respectfully yours,

BRUCE M. MOHLER,
Director, Department of Immigration.

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Calendar No. 2765

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2717

EMANUEL MATHES

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2712]

The Committee on the Judiciary, to which was referred the bill (H. R. 2712) for the relief of Emanuel Mathes, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay Emanuel Mathes of New York City the sum of $1,000 in full settlement of all claims against the United States Government in connection with the $1,000 departure bond posted by Emanuel Mathes on behalf of Shalom Mathes on December 10, 1948.

STATEMENT

On December 10, 1948, Shalom Mathes was admitted to the United States as a temporary visitor. His stay was to expire on January 9, 1949, and a departure bond in the sum of $1,000 was furnished on his behalf by the claimant to insure his departure on or before the specified date. An application for extension of stay was denied on February 11, 1949, but the alien nevertheless failed to depart from the United States due to the illness of his wife. The bond was declared breached on May 8, 1953, and the Federal Reserve Bank of New York, on July 16, 1953, was authorized to redeem the $1,000 United States Treasury bond which had been pledged by the claimant as security. Subsequently, the alien was granted suspension of deportation and a bill was passed by the Congress on April 22, 1954, which retroactively created a record of lawful entry of the alien for permanent residence

as of the date of his original entry on December 10, 1948. Due to the action of the Congress claimant is now requesting reimbursement in the amount of the principal of the forfeited bond.

This claim is similar to a number of others which the committee has had occasion to consider since the decision in 1953 of the United States District Court for the Southern District of New York in the case of *United States* v. *Manufacturers Insurance Company* (113 F. Supp. 402). In that case the court rendered a decision favorable to a bondsman on a claim to recover the full amount of a bond under circumstances similar to those involved in the present claim. In that case, as in this, the alien had failed to depart within the time specified and subsequent to the expiration of the period of his lawful stay the Congress adopted a resolution retroactively granting the alien status as a permanent resident from the date of his original entry. The court in that case decided that the Congress and the Attorney General had released the bondsman by retroactively admitting the alien as a permanent resident as of the date prior to the breach of the bond. The court then concluded that the United States thus voluntarily prevented the possibility that it might suffer damages from such breach and could not thereafter collect damages for that breach.

In the light of the foregoing decision and the previous actions of the committee in accordance with it (Private Law 415, 83d Cong.), the committee recommends favorable consideration of this legislation.

Attached hereto is the report of the Department of Justice submitted to the House Committee on the Judiciary in which the Department of Justice states that it is unable to recommend enactment of the bill.

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, April 25, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 2712) for the relief of Emanuel Mathes.

The bill would authorize the payment of the sum of $1,000 to Emanuel Mathes of New York City in settlement of his claim against the Government in connection with a $1,000 departure bond posted by him on December 10, 1948, on behalf of his brother, Shalom Mathes.

The files of this Department show that on December 10, 1948, Shalom Mathes was admitted to the United States for a temporary visit to expire on January 9, 1949. A departure bond in the sum of $1,000 to insure his departure on or before the specified date was furnished on his behalf by the claimant in this bill. An application for an extension of stay was denied on February 11, 1949, but the alien, nevertheless, failed to depart from the United States. The bond was declared breached on May 8, 1953, and counsel for Mr. Mathes was granted until June 15, 1953, to file a brief in support of his appeal. On July 16, 1953, the decision declaring the bond breached was affirmed, and the Federal Reserve Bank of New York was authorized to redeem the $1,000 United States Treasury bond which had

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been pledged by claimant as security. Deportation of Shalom Mathes was subsequently ordered suspended, and such order was approved by the Congress on April 22, 1954, resulting in the creation of a record of lawful entry of the alien for permanent residence as of the date of his entry on December 10, 1948.

Thus it will be noted that at the time of the breach of the bond in this case and the payment of the penalty under the forfeiture, the alien was in undisputed illegal status under the express terms of the departure bond as well as the applicable immigration laws.

Accordingly, the Department of Justice is unable to recommend enactment of the bill.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

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Calendar No. 2769

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2721

PATRICIA MAY STEVENS

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 6081]

The Committee on the Judiciary, to which was referred the bill (H. R. 6081) for the relief of Patricia May Stevens, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to deem Patricia May Stevens to have been born in Great Britain.

STATEMENT OF FACTS

The beneficiary of the bill is a 25-year-old native of India and citizen of Great Britain who presently resides in Surry, England, with her parents. Her sister is a lawfully resident alien and is married to a United States citizen.

A letter, with attached memorandum, dated December 6, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 6, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6081) for the relief of Patricia May Stevens,

there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would provide that for the purposes of the Immigration and Nationality Act, the beneficiary shall be deemed to have been born in Great Britain.

The beneficiary is chargeable to the quota of India.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PATRICIA MAY STEVENS, BENEFICIARY OF H. R. 6081

Information concerning this case was obtained from Mr. Maurice Moore Garlington, who is the brother-in-law of the beneficiary.

Patricia May Stevens, who is a citizen of Great Britain, was born in Mhow, Central Province, India, on May 12, 1931. She is unmarried, and resides with her parents at 32 Lawrence Avenue, New Malden, Surry, England. She is a stenographer by occupation, but is not employed at the present time. Miss Stevens has no dependents. She has assets valued at $500 consisting of savings. She received her education in India, which consisted of 6 years of elementary school, 3 years of high school, and 2 years' attendance at a business school. Her sister, Joan Mary Garlington, a lawful permanent resident of the United States, resides in Glendale, Calif. Her parents and two brothers reside in England. She also has a brother residing in Canada, a brother residing in the Suez Canal Zone, a sister residing in Germany, and a sister residing in Kenya, Africa. All are citizens of Great Britain.

Mr. Maurice Moore Garlington is a United States citizen. He was born in Wichita Falls, Tex., on May 9, 1919. He married Joan Mary Stevens, the beneficiary's sister, in Mysore, India, on October 1, 1945. They have 2 children, William, 8 years of age, and Linda, 5 months old. Mr. Garlington resides with his wife and children at 1129 Melrose Avenue, Glendale, Calif. He is employed as an insurance salesman and also employed on a part-time basis as an aircraft electrician. His annual income is $6,000. His assets consist of a $3,000 equity in his home, an automobile, and household furniture valued at $4,100, and savings in the amount of $200.

A letter dated October 17, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Director of the Visa Office, United States Department of State, reads as follows:

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DEPARTMENT OF STATE,
Washington, October 17, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of August 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Miss Patricia May Stevens, beneficiary of H. R. 6081, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated September 22, 1955, from the American Embassy at London, England.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Miss Stevens would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

SEPTEMBER 22, 1955.

To: Department of State. OMV No. 129.
From: American Embassy, London. OMJ.
Subject: Visas: Immigrant case of Patricia M. Stevens.
Reference: Department's OMV No. 89 of September 14, 1955.

Our records show that Patricia May Stevens registered as an intending immigrant on May 15, 1953. She was born on May 12, 1931, at Mhow, India. Her mother was born on June 21, 1898, at Bangalore, Mysore, India. She was consequently charged to the Indian quota.

Miss Stevens' registration was canceled upon the issuance of a B–2 visa to her on September 8, 1953.

There has been no further correspondence with Miss Stevens since her visitor's visa was issued to her.

A visa questionnaire form is being sent to her at the address given in the reference instruction.

Congressman Carl Hinshaw, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and recommended favorable consideration of the bill.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 6081) should be enacted.

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Calendar No. 2774

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2726

HAMAZASP PSAKIAN, MRS. VARSENICK PSAKIAN, AND NUNE NONA PSAKIAN

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 8971]

The Committee on the Judiciary, to which was referred the bill (H. R. 8971) for the relief of Hamazasp Psakian, Mrs. Varsenick Psakian, and Nune Nona Psakian, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to consider the beneficiaries to be "escapees" residing in Germany for the purposes of section 4 (a) (2) of the Refugee Relief Act of 1953, as amended; and to provide that visas under that act may be issued notwithstanding the provision of section 20 of that act.

STATEMENT OF FACTS

The beneficiaries of the bill are a 66-year-old father and 56-year-old mother, natives of Armenia and their daughter who is 27 years old and is a native of Manchuria. They are stateless and presently reside in France. The beneficiaries are all dependent on a naturalized citizen of the United States for support who is the daughter and sister of the beneficiaries.

A letter, with attached memorandum, dated May 11, 1956 to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 11, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8971) for the relief of Hamazasp Psakian, Mrs. Varsenick Psakian, and Nune Nona Psakian, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill would grant the beneficiaries the status of escapees under section 4 (a) (3) of the Refugee Relief Act of 1953, entitled to receive special nonquota immigrant visas, if otherwise qualified. It would also make inapplicable in this case the provisions of section 20 of that Act, which states that no immigrant visa shall be issued under the Act after December 31, 1956.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HAMAZASP PSAKIAN, MRS. VARSENICK PSAKIAN, AND NUNE NONA PSAKIAN, BENEFICIARIES OF H. R. 8971

Information concerning this case was obtained from Armen Baliantz, daughter of beneficiaries Hamazasp and Varsenick Psakian.

Hamazasp Psakian was born on March 15, 1890, in Erzerum, Armenia. His wife, Varsenick Psakian, nee Balasanian, to whom he was married in 1916 in Armenia, was born on March 15, 1900, in Karse, Turkey. Their unmarried daughter, Nune Nona Psakian, was born on August 8, 1928, in Manchuli, Manchuria. The beneficiaries claim to be stateless. They reside at 24 Pixirecour, Paris, France. They have never been in the United States.

The beneficiaries are not employed, have no assets, and are dependent upon Armen Baliantz for support. Mr. Psakian, a graduate of Sanasorian University in Erzerum, Armenia, was formerly a teacher and restaurant operator. He has a sister, Armen Kacherian, in Paris, France. Mrs. Psakian completed 7 years of school. She has three daughters, Kareme Voose, in Shanghai, China; Nune Nona Psakian, in Paris, France; and Armen Baliantz, in San Francisco, Calif. Miss Psakian attended school for 5 years.

The committee is referred to the Bureau of Security and Consular Affairs, Department of State, for information concerning ineligibility of the beneficiaries to receive special nonquota immigrant visas under the Refugee Relief Act of 1953.

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Armen Baliantz, a native of Manchuria and a naturalized citizen of the United States, was born on January 9, 1920. Her husband, Aram Baliantz, to whom she was married on April 26, 1938, in Harbin, Manchuria, is also a naturalized United States citizen. Their daughter, Jeanette, age 15, and son, Arthur, age 11, are United States citizens by derivation. The family resides at 1131 Lawton Street, San Francisco, Calif. Mr. and Mrs. Baliantz own one-half interest in a restaurant which they operate there in partnership with relatives. Their income is from $800 to $1,000 monthly from this restaurant. They value their assets at about $26,500, which include equities in the business and house, furniture, personal possessions, bonds, and a bank account. Mrs. Baliantz furnishes $150 monthly for the support of the beneficiaries.

A letter dated March 8, 1956, to the chairman of the Committee on on the Judiciary of the House of Representatives from the Director of the Visa Office, United States Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, March 8, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 3, 1956, requesting a report of the facts in the cases of Hamazasp Psakian, Mrs. Varsenick Psakian, and Nune Nona Psakian, the beneficiaries of H. R. 8971 which was introduced by Mr. Mailliard on January 31, 1956.

The records of the Department contain a report dated February 10, 1955, from the Embassy at Paris indicating that Hamazasp Psakian, Varsenick Psakian, and Nune Nona Psakian, the father, mother, and sister of Mrs. Armen Baliantz, of San Francisco, Calif., are not eligible for classification under section 4 (a) (3) of the Refugee Relief Act since they are not escapees from a Communist area in Europe.

The Department's files contain no information indicating whether they would be able to qualify under the immigration laws to receive visas when their turns are reached for consideration. Under the provisions of H. R. 8971 Mrs. Baliantz' parents and sister may have their applications for immigrant visas considered under the provisions of section 4 (a) (3) of the Refugee Relief Act.

Sincerely yours,

ROLLAND WELCH,
Director Visa Office.

Congressman William S. Mailliard, the author of the bill, submitted the following memorandum in connection with the case:

JANUARY 30, 1956.

MEMORANDUM

Re Congressman Mailliard's bill to obtain refugee status for Hamazasp Psakian, Mrs. Varsenick Psakian, and Nune Nona Psakian for purposes of Refugee Relief Act of 1953.

These aliens are parents and sister of Mrs. Armen Baliantz, United States citizen of San Francisco. Fleeing Communist occupation of Shanghai in 1953, they obtained entry to Hong Kong to seek United States visas under the Refugee Act from the American consul there, traveling under the third-country visas (French) required by the British. Due to an administrative misunderstanding, Mrs. Baliantz had furnished the American consul the wrong certification papers and, therefore, the consul was unable to certify to the British that he was actively pursuing their visa applications in order to obtain an extension of the 48-hour time limit imposed on their stay by the British. Had the proper papers awaited them in Hong Kong, they would have been processed under the Refugee Relief Act.

Being forced to leave Hong Kong, they traveled to Paris under their third-country visa, having been assured by the consul that they could apply for refugee visas there. In France, they were processed for visas, including the necessary physicals, until it was found that under the act, refugees from communism in Asia could not be issued visas in Europe. Because their visas do not permit them to seek employment in France, Mrs. Baliantz must continue to furnish their support out of the earnings of a small restaurant run by her and her husband in San Francisco at considerable hardship.

Regular quota visa petitions are on file but the quotas involved (Turkish for the parents, white Chinese for the sister) are heavily oversubscribed. Therefore, they face an indeterminate waiting period.

The bill which Congressman Mailliard has introduced would enable these people to be considered for visas under the Refugee Relief Act in Paris, despite their having fled communism in Asia. Since the act is due to expire on December 31, 1956, the bill must be passed at this session in order to assist these people. Failing passage at this sessions they must rely on the hard-won support of Mrs. Baliantz until their names reach the top of their respective quotas, years hence.

Groundwork has been laid with the House committee and the Justice and State Departments in the hope of obtaining expeditious handling. However, with the thought that Senate committee consideration subsequent to this might eliminate hope of complete enactment this year, it is suggested that immediate introduction in the Senate might enable the Senate committee to complete its work on the bill so that passage might come quickly after House action.

OCTOBER 12, 1956.

Hon. WILLIAM S. MAILLIARD,
San Francisco, California.

DEAR SIR: This is an account of my parents who are in France awaiting entry into the United States. My father's name is Hamazasp Psakian and he was born on March 15, 1890. My mother's name is Varsenick Psakian and she was born on March 15, 1900. My sister's name is Nonna Psakian and was born on August 8, 1928.

In 1952, my parents and my sister managed to escape from Harbin, Manchuria, to Shanghai, China, encountering many difficulties and having to leave all their personal belongings behind. While in Shanghai in 1952, they were registered under IRO as being displaced persons.

Since 1914, my father and family have never possessed a passport as they fled to Russia from the Turkish massacre in Armenia and in

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1916 to Mamchuli, Manchuria, when the Communist trouble started in Russia. In 1930, he came to Harbin, Manchuria, where he was in business until he left for Shanghai. After Communist occupation of Shanghai, he was not able to register with the American consulate as there was none available, the nearest consulate being in Hong Kong. In order to get to Hong Kong, they had to have a third-country visa. I managed to get them a French visa with the help of Mr. Paul Verdier of the City of Paris Store in San Francisco. At that time, I was corresponding with the American Embassy in Hong Kong asking their advice as to the necessary papers for my family's entrance into the United States. The Embassy suggested that I supply affidavits of support which I did immediately. When my family arrived in Hong Kong, they went to the United States consulate for processing.

However, the consulate processing their case informed them they did not need the affidavits of support but the DSR forms for the 1953 Refugee Relief Act. The strict laws of the British colony would not permit them to stay more than 48 hours. While registering my family under the 1953 Refugee Relief Act, the consulate informed them that it would be much easier for them to enter the United States from France as the immigration bill allows more people to enter the United States from Europe than from China.

On January 1, 1954, my family arrived in Paris, France. I wrote a letter to the American consulate in Paris explaining the situation my family was in and asking their advice as to the forms necessary for my family's entrance into the United States. The consulate informed me that the necessary forms were the DSR forms, and the assurance of housing and jobs for my family. After we had sent those required forms, they called my family for further processing.

On February 8, 1955, they were all processed including fingerprints and medical examinations and they were told they would be notified as to their visas within 3 months. They were then kept waiting 6 months until August 1955. In August I wired the consulate asking when we should expect my family in the United States. We received an answer to the effect that my family was not eligible to enter under the 1953 Refugee Relief Act, as they should have been in China to be eligible inasmuch as they were escapees from China and not from Europe. While in France, they are not allowed to seek employment for their own support as the Government issued them a visa for a temporary period of time only. Because of this prolonged stay in France, my family is obliged to renew their visa. Since their arrival in France, I and my husband have been supporting all three members of my family with biweekly remittances. Since we have two children of our own to support and with a new business establishment to take care of, it is a great financial burden on us.

Sincerely yours,

ARMEN BALIANTZ.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 8971) should be enacted.

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Calendar No. 2775

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2727

JOHN L. HUGHES

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 9029]

The Committee on the Judiciary, to which was referred the bill (H. R. 9029) for the relief of John L. Hughes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay John L. Hughes, of Marquette, Kans., the sum of $416.50, an amount equitably due him, in full settlement of his expenses incurred as a result of his moving from a tract of land designated as tract No. A–125–E, Kanopolis Reservoir spillway, Kansas.

STATEMENT

The Department of the Army interposes no objection to the enactment of this bill.

The claim is based on certain expenses incurred by Mr. Hughes, occasioned by the removal of certain articles of personal property, plus a 6-room house, from an area of his farmland upon which the Department of the Army had obtained a flowage easement in connection with the construction of the Kanopolis Dam and Reservoir project in the Missouri River Basin.

The property was acquired by the Army on October 7, 1953, but progress on the project did not require Mr. Hughes' removal until June 20, 1954. He thereafter, on December 2, 1954, submitted an application to the Department of the Army in the amount of $416.50 for reimbursement of the expenses and other losses and damages incurred by him in the move.

The act of July 14, 1952 (66 Stat. 624) authorizing the Secretary of the Army to make such reimbursement provided that application

therefor be made within 1 year following acquisition of the real property by the Army.

It is believed that Mr. Hughes was confused by the fact that he was not required to move until 8 months after the acquisition of the property and that he, therefore, unwittingly neglected to timely apply for the reimbursement of his necessary expenses in connection with the move. Under these circumstances, the committee recommends favorable action on the bill.

Attached hereto for the information of the Senate is the report from the Department of the Army and other material relating to the details of this case.

The House report contains a statement to the effect that an attorney has rendered substantial services in connection with this claim and, in reliance upon that assurance, the customary attorney's fee provision has been retained in this bill.

DEPARTMENT OF THE ARMY,
Washington, D. C., May 22, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to H. R. 9029, 84th Congress, a bill for the relief of John L. Hughes.

This bill provides as follows:

"That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John L. Hughes, Marquette, Kans., the sum of $416.50. Such sum represents the amount which is equitably due the said John L. Hughes in full settlement of his claim against the United States for reimbursement of resettlement expenses incurred by him as a direct result of his moving from a tract of land designated as tract No. A–125–E, Kanopolis Reservoir spillway, Kansas, title to which was acquired by the United States on October 7, 1953. The United States was precluded from making administrative settlement of such claim in the manner provided by section 401 (b) of the act of July 14, 1952 (Public Law 534, Eighty-second Congress), by reason of the provision contained therein prohibiting payment of any such claim unless application for reimbursement is submitted within 1 year after the date of acquisition of title by the United States. Because of his lack of knowledge of such provision but without fault on his part, the said John L. Hughes failed to submit his application within the prescribed period."

The Department of the Army interposes no objection to the above-mentioned bill.

The Kanopolis Dam and Reservoir project on the Smoky Hill River is a part of the comprehensive plan for the improvement of the Missouri River Basin as authorized by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 887, 891). In fulfilling the real-estate requirements of the project, a flowage easement over property belonging to Mr. John L. Hughes, designated as tract 125–E, was acquired on October 7, 1953. The Government's requirement for the easement necessitated the removal by Mr. Hughes of improvements thereon and the moving of himself and his family from the property. Mr. Hughes moved on June 20, 1954, and on December 2.

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1954, submitted to the Department of the Army an application in the amount of $416.50 for reimbursement for the expenses and other losses and damages incurred by him in the move.

The act of Congress approved July 14, 1952 (66 Stat. 624), authorizes the Secretaries of the military departments, to the extent administratively determined by each to be fair and reasonable, under regulations approved by the Secretary of Defense, to reimburse the owners and tenants of land to be acquired for any public works project of the military department concerned for expenses and other losses and damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and of their families and possessions because of such acquisition of land, subject to certain restrictions including the requirement that the application be filed within 1 year following the date of acquisition of the property. Inasmuch as Mr. Hughes' application was not filed within the 1-year period prescribed by law, the Department of the Army could not administratively approve it and reimburse him, although the lapse of time was not substantial. The amount of reimbursement sought by Mr. Hughes was within the prescribed limits and considered to be fair and reasonable.

The fact that Mr. Hughes was not required to move from tract 125–E until 8 months after its acquisition and the Department of the Army on June 10, 1954, acquired an additional easement, designated as tract 129–E, from Mr. Hughes may have contributed to his failure to make timely application for the reimbursement for which enactment of H. R. 9029 would provide.

The cost of this bill, if enacted, will be $416.50.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 10, 1956.

Re H. R. 9029

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
United States House of Representatives.

DEAR MR. CELLER: I am forwarding to you herewith an itemized statement of expense to substantiate the amount set out in the above bill for the relief of Mr. John L. Hughes, Marquette.

The total amount set out in the attached and included in my bill was expense caused Mr. Hughes as a result of moving from a tract taken by the Corps of Army Engineers in connection with the construction of Kanopolis Dam and Reservoir, a flood-control project.

Sincerely yours,

WINT SMITH.

Itemized claim of John L. Hughes, Marquette, Kans., of resettlement expenses on tract A–125–E, Kanopolis Reservoir spillway, Kansas

Items moved	Use of machinery (tractor-truck), hours	Man-hours	Charge per hour	Total hours	Amount
1 JD model G tractor 51	½	½	$1	1	$1.00
1 JD model G tractor 52	½	½	1	1	1.00
1 JD model A tractor 41	½	½	1	1	1.00
1 JD model 55 combine	[1] ½	1½	1	2	2.00
1 case 16-inch 3-bottom plow (hook up hydraulic lift to move)	½	1	1	1½	1.50
1 case 16-inch 3-bottom plow (hook up hydraulic lift to move)	½	1	1	1½	1.50
1 JD 14-inch 3-bottom plow	½	½	1	1	1.00
1 16-foot 4-section spring-tooth harrow (took apart to move)	½	1	1	1½	1.50
1 12-foot 4-section spring-tooth harrow	½	½	1	1	1.00
1 10-foot IHC tandem disk (hook up hydraulic to move)	½	1	1	1½	1.50
1 10½-foot Sears tandem disk (hydraulic hook up to move)	½	1	1	1½	1.50
1 10-foot JD field cultivator	½	½	1	1	1.00
1 24-foot 4-section JD harrow (took apart to move)	1	1	1	2	2.00
1 24-foot 4-section JHC harrow	1	1	1	2	2.00
1 18-foot 3-section IHC harrow	½	½	1	1	1.00
1 12-foot 2-section IHC harrow	½	½	1	1	1.00
1 16-foot disk JD drill	½	½	1	1	1.00
1 16-foot disk superior drill	½	½	1	1	1.00
1 6-foot 1-way disk plow	½	½	1	1	1.00
1 2-row IHC cultivator	½	½	1	1	1.00
1 10-foot dump hay rake	½	½	1	1	1.00
1 8½-foot side-delivery rake	½	½	1	1	1.00
1 JD mounted-type 2-row lister (mounted on tractor to move)	½	1½	1	2	2.00
1 JD mounted-type 7-foot mower (mounted to move)	½	1½	1	2	2.00
1 JD 3-row corn worker	½	½	1	1	1.00
1 JD 2-row corn worker	½	½	1	1	1.00
1 single-row knife sled	½	½	1	1	1.00
1 No. 2 IHC field cutter	½	1	1	1½	1.50
1 2-row IHC corn binder, short	½	1	1	1½	1.50
1 2-row IHC corn binder, long (with bundle loader and elevator)	½	1½	1	2	2.00
1 Jay Hawk hay stacker	½	1½	1	2	2.00
1 Jay Hawk sweep rake (mount on tractor to move)	½	1½	1	2	2.00
1 Farm Hand mounted hydraulic manure loader	½	3	1	3½	3.50
1 6-foot scoop; 1 6-foot forage fork and 6-foot dozer blade (for Farm Hand loader)	½	3	1	3½	3.50
1 24-foot grain and bale elevator	½	1½	1	1½	1.50
1 27-foot grain auger and 1 3 x 10 x 12 metal hopper	½	1½	1	2	2.00
1 hydraulic power takeoff posthole digger (mounted to move)	½	2	1	2½	2.50
1 IHC manure spreader	½	½	1	1	1.00
1 8-horsepower 30-inch self-propelled buzz saw	½	1	1	1½	1.50
1 metal stationary saw and frame	½	1	1	1½	1.50
1 model T motor and sawframe on 4 wheels	½	1	1	1½	1.50
1 16-foot feed wagon, 4-wheel rubber	½	1	1	1	1.00
1 14-foot feed wagon, 4-wheel rubber	½	½	1	1	1.00
Do	½	½	1	1	1.00
1 lumber wagon and box, 4 wood wheels	½	½	1	1	1.00
1 2-row knife sled	½	½	1	1	1.00
1 14-foot steel-wheel hay rack	½	½	1	1	1.00
1 walking plow; 1 hand corn sheller; 1 walking lister; 1 walking cultivator	½	2	1	2½	2.50
1 walking 5-tooth cultivator; 1 riding cultivator and hand tools	½	1	1	1½	1.50
1 ½-sack cement mixer; 1 2-row soil packer	½	1½	1	2	2.00
1 18-inch Words cutter and hammer mill, screens and dirt collector	½	1½	1	2½	2.50
1 4-wheel road maintainer	½	½	1	1	1.00
1 10-foot steel road drag	½	½	1	1	1.00
1 30-gallon ½ horsepower electric air compressor (disassemble and assemble to move)	½	4	1	4½	4.50
1 6-horsepower 150-gallon cattle and crop sprayer (hose, nozzles, DDT and other powder)	½	1½	1	2	2.00
1 1½-horsepower 1½-inch Sears centrifugal pump, 150-foot discharge hose and 12-foot suction hose	½	1	1	1½	1.50
1 4-horsepower 3-inch centrifugal pump stover	½	1	1	1½	1.50
1 6x 8 elevated wood platform for barrels; 1 1,000-gallon gasoline tank set in ground	1	12	1	13	13.00
6 x 8 wood elevated platform for barrels; 1 1,000-gallon gasoline tank set in ground	1	12	1	13	13.00
1 300-gallon gasoline tank on skids	1	3	1	4	4.00
6 x 6 wood platform set on ground; 1 500-gallon steel water tank on skids		3	1	4	4.00
13 50-gallon tractor fuel barrels	1	2	1	3	3.00
9 30-gallon steel barrels for spraying water and hauling fuel	½	1	1	1½	1.50
10 5-gallon fuel and oil cans; 4 50-gallon barrels of motor and tractor oil	½	1½	1	2	2.00
4 100-pound drums of used oil and 4 30-pound cans; 4 15-gallon oil drums upper lubricating gun grease	½	1½	1	2	2.00

[1] Combine.

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Itemized claim of John L. Hughes, Marquette, Kans., of resettlement expenses on tract A–125–E, Kanopolis Reservoir spillway, Kansas—Continued

Items moved	Use of machinery (tractor-truck), hours	Man-hours	Charge per hour	Total hours	Amount
1 8-foot steel stock tank	½	1	1	1½	1.50
Do	½	1	1	1½	1.50
1 5-foot steel stock tank; 1 6-foot steel stock tank	½	1	1	1½	1.50
2 4-foot steel stock tanks	½	½	1	1	1.00
1 7-foot steel water tank for grain storage; 1 6-foot steel water tank for grain storage	1	1	1	2	2.00
All new and used repairs for general line of farm machinery; paint; hand tools; welders; blowtorch; drills; grinders and all other tools	8	80	1	88	88.00
4 truckloads scrap iron (pipe and angle iron)	4	8	1	12	12.00
2 truckloads used lumber and timber	1	3	1	4	4.00
6 truckloads unsawed hedgewood	3	9	1	12	12.00
11 80-rod spools of new barbed wire; 50 new hedgeposts from post file	½	3	1	3½	3.50
18 feed bunks (12 by 14 by 16)	5	10	1	15	15.00
4 hog troughs; hog oiler; 1 pig brooder; 4 6 by 6 A-type hog-house m wood	2	6	1	8	8.00
2 15-bushel galvanized hog self-feeder 4 by 12 by 16 by 12 brooder house; 10 panels for calf skids	1	4	1	5	5.00
4 500-bushel rolls of metal, slat corn cribbing	½	1	1	1½	1.50
1 wood hog chute on skids	½	1	1	1½	1.50
3 stock saddles, bridles, and halters; 2 sets work harness and collars	½	1	1	1½	1.50
4 50-gallon steel barrels for seed storage and salt; 8 bushels winter barley seed; 300 pounds of salt	½	4	1	4½	4.50
30 bushels clover and alfalfa seed; 25 bushels seed wheat; 1 fanning mill and electric motor	½	6	1	6½	6.5
12 bushels milo and cane seed; 300 pounds cottonseed meal; 100 pounds sedan seed	½	2	1	2½	2.50
200 bushels ground oats and wheat mixed for horses and chickens	2	7½	1	9	9.00
20 sacks cement and lime; 225 bales (alfalfa, wheat, and oats)	6	12	1	18	18.00
3 milk cows; 3 bucket calves; 1 bull; 3 saddle horses	1	4½	1	5½	5.50
12 dozen laying hens	1	10	1	11	11.00
1 8 by 16 wood platform for boat; 1 12-horsepower motor; 1 16-foot rubber landing craft	½	4	1	4½	4.50
1 1947 2-ton Chevrolet truck and stock rack	¼	¼	1	½	.50
1 1941 ¾-ton Chevrolet pickup and stock rack	¼	¼	1	½	.50
1 1950 4-door Chevrolet sedan auto	¼	¼	1	½	.50
1 1951 4-door Pontiac station wagon	¼	¼	1	½	.50
3 10-gallon cream cans; 2 5-gallon cream cans; 1 electric cream separator; calf buckets; milk and cream strainers; and all other dairy supplies	½	4	1	4½	4.50
Poultry supplies; 8 feeders; 6 waterers; 1 brooder stove; 3 crates; 4 30-dozen-egg cases; egg buckets; 200 pounds hen concentrates; scales; etc	½	3	1	3½	3.50
1 8-foot refrigerator; 1 12-foot deepfreeze; 1 6-room house; pantry and household furniture	10	40	1	50	50.00
Total resettlement expenses					416.50

VERIFICATION

STATE OF KANSAS,
Ellsworth County, ss:

John L. Hughes, of lawful age, being first duly sworn, on oath says that the foregoing and hereto annexed itemized claim against the United States for resettlement expenses on tract A–125–E, Kanopolis Reservoir spillway, Kansas, title to which was acquired by the United States on October 7, 1953, and to which is referred in H. R. 9029, is just and correct, and remains due and unpaid.

JOHN L. HUGHES.

Subscribed in my presence and sworn to before me this 8th day of February 1956.

[SEAL] ALLENE WILSON, *Notary Public.*

Term expires January 23, 1957.

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Calendar No. 2781

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2733

KIM CHUNG HI

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 11706]

The Committee on the Judiciary, to which was referred the bill (H. R. 11706) for the relief of Kim Chung Hi, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay Kim Chung Hi of Seoul, Korea, the sum of $2,788.90, or such additional amount necessary due to increases in rates of exchange in order to provide for the payment of 1,338,672 Korean hwan, in full settlement of her claim for compensation for the deaths of her husband and infant child, and for compensation for personal injuries suffered by her which resulted from the criminal acts of a member of the United States Army who was subsequently tried, convicted, and sentenced to death by general court-martial for his criminal acts.

STATEMENT

The proposed legislation originated as an executive communication directed to both House of Congress. The committee is impressed with the merit of the bill and concurs in the recommendation of the Department of the Army, particularly in the light of the fact that had the claimant submitted a timely application with the Department of the Army, her claim would have been paid administratively under the provisions of the Foreign Claims Act (55 Stat. 880, as amended).

The facts justifying the submission of this claim are fully set forth in the letter from the Department of the Army dated June 6, 1956, which is appended below.

DEPARTMENT OF THE ARMY,
Washington, D. C., June 6, 1956.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is enclosed herewith a draft of a proposed bill for the relief of Kim Chung Hi, which it is recommended be enacted into law.

The submission of this legislation is in accordance with procedures approved by the Secretary of Defense. The Bureau of the Budget has advised that it has no objection to the submission of this proposal for the consideration of the Congress, and the Department of the Army recommends its enactment.

The purpose of the proposed bill is to compensate this Korean woman for the deaths of her husband and infant child and the personal injuries suffered by her as a result of the criminal acts of a United States Army enlisted man who was subsequently tried, convicted, and sentenced to death by general court-martial for the murder of her husband and the attack upon her.

The records of the Department of the Army show that on the night of December 23, 1950, Kim Chung Hi, her husband, Lee Hak Chun, and their three children were in the basement room of the "VIP" billets in the Eighth Army officers' building in Seoul, Korea, awaiting transportation to Taegu. Lee Hak Chun had been employed as a cook by the Eighth Army and had received permission from a member of the Army to bring his family to the billets to await the availability of such transportation. There were 5 or 6 Korean men in an adjoining basement room. At about midnight, an Army private entered the basement, sat down beside Mrs. Kim, extinguished the lights, put them back on, and then seized her by the neck. Someone took her away from him, whereupon he struck her husband, Lee Hak Chun, on the chin with his fist and left the room. Shortly thereafter, dressed in shorts and an undershirt, and armed with a carbine, he returned to the basement accompanied by an interpreter. The interpreter asked Lee Hak Chun, "Who are they?" and Lee replied, "They are my family, and I am trying to get transportation for them to leave for Taegu." The interpreter stated that the soldier wanted Kim Chung Hi "conceded" to him and stated to Lee Hak Chun that "If you don't send this woman to upstairs, the soldier will kill all of you." Several people, including Lee Hak Chun and other Korean males, were lined up by the soldier. He then told Lee to "Get out of line." While Lee was standing in front of the line, about 5 or 6 steps from the soldier, the latter fired his weapon 2 or 3 times and Lee fell to the floor. The soldier then called Kim Chung Hi to come to him and, upon her failure to do so, he seized her by the neck and chest and took her from the house.

Outside the house, the soldier held Mrs. Kim by the neck and committed indecencies upon her person. When she screamed, he struck her on the head with his carbine several times. After taking additional liberties with her, he forced her to a truck and commanded that she mount it. She screamed "Help me," whereupon the soldier took her baby, who was strapped to her back, and threw the infant into the

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front seat of the truck. Another soldier approached and, while he and the assailant conversed in English, Kim Chung Hi escaped. She reentered the "VIP" billets, but left when she found them brightly lighted. She then leaped through a window into the basement where her husband lay on the floor and injured her foot. Kim Chung Hi hid behind some plywood in the basement until the military police arrived about 20 minutes later.

When members of the criminal investigation division arrived on the scene, they found Kim Chung Hi sitting on the floor in a crumpled position. Her hair was tangled and she had a cut on her mouth. There was a lot of blood on her hair, face, and clothes. Her husband, Lee Hak Chun, was dead, with two bullet holes in the left side of his chest in the vicinity of his heart. Her baby, Lee In Ja, apparently also died from the treatment inflicted upon her by the soldier. Examination of Kim Chung Hi on February 5, 1955, at the 548th General Dispensary, Seoul, Korea, revealed, pertinently, that—

"This patient after X-ray studies and physical examination is thought to have a chronic ligamentous sprain of the ankle which causes pain after prolonged standing, walking, or exercise."

As of July 1, 1955, Mrs. Kim was 33 years of age; was supporting her 2 daughters, Lee Kong Cha, 15 years of age, and Lee Suk Cha, 13 years of age, and her 69-year-old mother; and was employed in washing clothes at a monthly income of about 10,000 hwan ($20.83 at 480 hwan to $1). She had received 1 donation of 360,000 hwan ($750) and a second donation of 132,000 hwan ($275), from the Eighth Army Aid-to-Korea Fund, a private fund not derived from governmental sources. That fund also furnished her with a sewing machine. She apparently purchased a 2- or 3-room house with the initial donation.

Article 19 of the Constitution of the Republic of Korea states that—

"Citizens who are incapable of earning their living due to old age, infirmity, or such other reasons as may cause incapability to work, shall be protected by the state in accordance with the provisions of law."

However, this provision has never been implemented and no other local workmen's compensation laws, customs, or other standards under which benefits might accrue to a person such as Kim Chung Hi have been discovered.

As Kim Chung Hi did not intimate that she intended to file a claim against the United States until September 18, 1954, the matter could not be considered under the Foreign Claims Act (act of January 2, 1942, 55 Stat. 880), as amended (31 U. S. C. 224d), which provides that a claim thereunder must be "presented within 1 year after the occurrence of the act or incident out of which such claim arises * * *." There is no other law or regulation under which a claim by Mrs. Kim could be considered. Therefore, there is no method other than private relief legislation by which she may be compensated for the losses occasioned by the savage acts of this soldier.

While, in an ordinary case, the failure of a claimant to seasonably file a claim might furnish cause for considering private relief legislation unfavorably, in a case such as the present, involving injuries inflicted in so heinous and barbaric a manner, the equities in favor of rendering fair compensation override the technical bar of the statute of limitations.

The compensation granted to Kim Chung Hi by Congress should constitute as nearly as possible the equivalent of that which she would have received had her claim been settled administratively under the as of January 2, 1942, supra, and its implementing regulation, Army Regulations 25–90. Army Regulations 25–90 provide pertinently as follows:

"10. *Elements of damage in case of personal injury and death.*—Actual and reasonable medical and hospital expenses, reasonable compensation for physical pain and suffering and disability, and loss of earning capacity may be included as elements of damage in cases of personal injury. If death results, actual and reasonable burial expenses and reasonable compensation for loss of life may also be included. *In computing the amount of damages in cases of personal injury or death, local standards will be taken into consideration. Local laws relating to torts, damages and the payment of workmen's compensation may be considered as indicia of such local standards.* In case of death, only one claim arises: the amount approved therefor will, to the extent found practicable or feasible, be apportioned among the beneficiaries, and in the proportions, prescribed by the law or custom of the place in which the accident or incident resulting in the death occurs." [Emphasis supplied.]

As indicated previously, there are no provisions in the laws of the Republic of Korea which would provide guidance in determining the proper amount of compensation to be granted in a case such as this. However, under the administrative agreement between the United States and Japan, entered into on February 28, 1952, which implements the security treaty between the two nations, procedures were set up by which Japan would compensate its people for injuries suffered through the acts of members of the Armed Forces of the United States. This agreement and its implementation would appear to furnish the most accurate analogy available at this time as to proper measure of damages under conditions as they exist in the Republic of Korea. Annex I: Standards of Payment of Compensation for Damages, Injuries, or Death under article 18 of the administrative agreement, decided by the Japanese Cabinet Council on May 16, 1952, provides, in pertinent part, as follows:

"COMPENSATION DUE TO BEREAVED FAMILIES

"When the victim dies, the amount as multiplying his average daily income by the number of days provided in article 79 of the labor standard law will be paid to his bereaved families.

* * * * * * *

"REMARKS

"1. The average daily income will be as follows:
"a. * * *
"b. * * *
"c. * * *
"d. Limits of Average Daily Income: The limit will be ¥1,000 in case of the income exceeding ¥1,000 and ¥200 in case of the income being less than ¥200 or nil."

Article 79, labor standard law, Law No. 49, April 5, 1947, provides as follows:

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"(COMPENSATION FOR BEREAVED FAMILIES)

"ARTICLE 79. When a worker dies because of duty the employer shall pay compensation equivalent to 1,000 days' average wages of the worker to the bereaved families or persons who were dependent on the worker's income at the time of worker's death."

"The Claims Service, United States Army Forces, Far East, has estimated that Lee Hak Chun's salary as cook for the Eighth Army, a position he occupied until immediately before his death, could not have exceeded $2 per day. Thus an award of 1,000 days' average wages, as provided in the Japanese Labor Standard Act, supra, would amount to $2,000. Kim Chung Hi also would be entitled to receive compensation as a bereaved parent for the death of her infant daughter. As the child obviously had no income, the minimum average daily income of ¥200 ($0.56), as provided by paragraph 1 (d) of the remarks to Annex I. Standards of Payment of Compensation, supra, would apply; thereby warranting an award of $555.56 for the infant's death.

Annex I. Standards of Payment of Compensation, supra, also contains the following provision:

"COMPENSATION FOR PHYSICAL HANDICAPS

"The victim to an injury or disease who is perfectly cured thereof but remains physically handicapped will be paid the amount as multiplying the average daily income by the number of days set forth in the list of disability grades under the enforcement regulation of the labor standard law."

Article 77, Labor Standard law, supra, provides, in pertinent part, as follows:

"(COMPENSATION FOR PHYSICAL HANDICAPS)

"ARTICLE 77. For a worker who was injured or fell ill because of duty and is physically handicapped when he recovered, the employer must pay handicap compensation according to the extent of the worker's handicap; the amount of which shall be the amount of the average wages multiplied by the number of days fixed in the annex table No. 1."

The evidence indicates that Kim Chung Hi's ankle causes pain after prolonged standing, walking, or exercise. This would probably be assessed as a 12th grade disability under Japanese law ("Those who have impediments left in the function of 1 of the 3 greater joints of 1 of the lower limbs") for which an allowance of the average daily wage for 140 days would be proper (Annexed Table 1. Enforcement Ordinance of Workmen's Accident Compensation Insurance Law, Ministry of Labor Ordinance No. 1, September 1, 1947). As Kim Chung Hi was not earning an income at the time she received her injury, the minimum average daily income of ¥200 ($0.56) as provided by paragraph 1 (d) of the remarks to Annex I. Standards of Payment of Compensation, supra, would apply, thus warranting an award of $77.78 for this item.

The Japanese implementation to the administrative agreement also allows compensation for medical expenses. There is no evidence of medical expenses actually incurred by Kim Chung Hi as a result

of this incident, however, the Claims Service, United States Army Forces, Far East, states that the sum of $100 is considered reasonable for this item. In addition, compensation for funeral expenses is provided under the Japanese implementation not to exceed ¥10,000 ($27.78).

Thus, under the standards set forth by the Japanese Government for compensation of its people for injuries suffered through the activities of United States military personnel, a Japanese national in Kim Chung Hi's situation would receive the following damages:

Compensation for the death of her husband, Lee Hak Chun (¥20 per day for 1,000 days)	$2,000.00
Compensation for the death of her daughter, Lee in Ja. (¥200 per day for 1,000 days)	555.56
Compensation for her own disability (¥200 per day for 140 days)	77.78
Compensation for medical expenses incurred by Kim Chung Hi	100.00
Compensation for funeral expenses, resulting from the death of Lee Hak Chun	27.78
Compensation for funeral expenses resulting from the death of Lee In Ja	27.78
Total compensation	2,788.90

It may be noted that S. 1504, 83d Congress, for the relief of the estate of Rev. Pang Wha II (Private Law 935, 83d Cong., 68 Stat. pt. II 258), granted compensation for the death of the Rev. Pang Wha II, Republic of Korea, resulting from the brutality similar in degree to the case here presented.

The cost of this proposal, if enacted, will be the dollar equivalent of 1,338,672 Korean hwan, which, at the rate of exchange of 480 hwan to 1 dollar, is $2,788.90.

The Bureau of the Budget advises that there is no objection to the submission of this proposal for the consideration of Congress.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

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Calendar No. 2782

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2734

ESTERLÉE HUTZLER WEINHOEPPEL

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 11821]

The Committee on the Judiciary, to which was referred the bill (H. R. 11821) for the relief of Esterlee Hutzler Weinhoeppel, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof, the following:

That the Act entitled "An Act for the relief of Mrs. Esterlee Hutzler Weinhoeppel", approved August 24, 1954 (68 Stat. A196), is amended by striking out the following: ": *Provided further*, That failure to establish permanent residence in the United States within a period of eighteen months following the enactment of this Act shall result in the divestiture of United States citizenship acquired by Mrs. Esterlee Hutzler Weinhoeppel under this Act".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to strike a proviso which was contained in Private Law 772 of the 83d Congress (H. R. 7411) which was enacted for the relief of the same beneficiary. As originally introduced in the House of Representatives, the bill would merely have stricken the proviso, and the purpose of the amendment is to restore its former language to conform to the suggestion contained in the report from the Director of the Passport Office.

90008°—57 S. Rept., 84-2, vol. 8——99

STATEMENT OF FACTS

The beneficiary of the bill was born in Baltimore, Md., on December 3, 1922, and she resided in this country prior to departing for Germany in 1948. She lost her United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, as amended, by voting in a local minor election in Germany in 1952.

She is married to a native and citizen of Germany and presently resides in that country with her husband and two minor children, both of whom are citizens of the United States. The beneficiary of this bill was also the beneficiary of Private Law 772, 83d Congress, under which she regained United States citizenship on the condition that she return to the United States within 18 months immediately following the enactment of that private law. The instant bill as originally introduced would merely have stricken the proviso which was contained in Private Law No. 772 of the 83d Congress which required the beneficiary to return to the United States for permanent residence within 18 months following the date of the enactment of the act. The report of the Director of the Passport Office states that the Department did not suggest or recommend that H. R. 7411 of the 83d Congress be amended to provide specifically that Mrs. Weinhoeppel resume permanent residence in the United States. It has not been the practice in similar bills to make such a requirement.

Furthermore, it is stated that the instant bill would remove any uncertainty as to the beneficiary's American citizenship which might be occasioned by her continued residence abroad. Therefore, the committee feels that the broad language of the bill, as amended by the House of Representatives, is not advisable.

A letter dated July 5, 1956, to the chairman of the Committee on the Judiciary from the Director of the Passport Office, United States Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, D. C., July 5, 1956.

Re H. R. 11821.

Hon EMANUEL CELLER,
Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: The Director of the Visa Office has forwarded your letter of June 21, 1956, requesting a report of the facts in the case of Esterlee Hutzler Weinhoeppel, for whom H. R. 11821 was recently introduced.

Mrs. Weinhoeppel is the beneficiary of Private Law 772 of the 83d Congress (H. R. 7411), and the proviso proposed to be stricken by the terms of H. R. 11821 is a part of that law.

On February 2, 1954, in reporting to your committee on H. R. 7411, the Department stated as follows:

"Provided that Mrs. Weinhoeppel gives assurance that it is her intention to resume permanent residence in the United States within a reasonable period of time and that she will not again participate in political affairs in a foreign country while maintaining her status as an American citizen, this Department perceives no objection to the enactment of H. R. 7411 into law. There would appear to be little reason to afford the relief sought if she intends to continue to reside

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in Germany indefinitely, to hold herself out as a German citizen, and to act as such."

The Department, however, did not suggest or recommend that H. R. 7411 be amended to provide specifically that Mrs. Weinhoeppel resume permanent residence in the United States.

Mrs. Weinhoeppel came to the United States but has again returned to Germany on a United States passport valid for 2 years from the date of issue, or until February 10, 1957. The Department, in so extending her passport, acted upon assurances that she had established a permanent residence in the United States within the meaning of Private Law 772.

The instant bill would remove any uncertainty as to Mrs. Weinhoeppel's American citizenship which might be occasioned by her continued residence abroad.

Sincerely yours,

FRANCES G. KNIGHT,
Director, Passport Office.

House Report No. 1973, accompanying H. R. 7411 of the 83d Congress, is reprinted below, in part.

DEPARTMENT OF STATE,
Washington, February 2, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. REED: Further reference is made to your letter of January 26, 1954, transmitting copies of H. R. 7411, for the relief of Mrs. Esterlee Hutzler Weinhoeppel, and requesting a report of the facts of her case as disclosed in the Department's files.

It appears from the passport file of Mrs. Esterlee Hutzler Weinhoeppel that she was born at Baltimore, Md., on December 3, 1922; that she has resided abroad, in Austria from 1927 to 1936, in France from May to July 1948, and in Germany from July 1948 to date; and that she was married to Kurt Maximilian Weinhoeppel, a German citizen on April 19, 1949. In affidavits executed on March 19, 1953, at the American consulate general at Munich, Germany, she stated that she had voted in the election for mayor held at Unterwoessen Germany, on March 30, 1952, and, in explanation of this action stated:

"Through my marriage to Kurt Maximilian Weinhoeppel, a German national, on April 19, 1949, I also acquired German citizenship.

"I knew that even though I became a national of a foreign state, I would retain my American citizenship if I did not commit any expatriating act such as voting in a political election in Germany. Therefore, on March 30, 1952, when I voted for the mayor of Unterwoessen I did not consider this to be committing an expatriating act as I was voting out of purely personal motives and had no interest whatsoever in politics or political parties of Germany. I merely voted to try and help to remove from office the acting mayor who was and is still the so-called political boss of Unterwoessen."

Mrs. Weinhoeppel has also obtained and used a German passport while in possession of a valid American passport.

Provided that Mrs. Weinhoeppel gives assurances that it is her intention to resume permanent residence in the United States within

a reasonable period of time and that she will not again participate in political affairs in a foreign country while maintaining her status as an American citizen, this Department perceives no objection to the enactment of H. R. 7411 into law. There would appear to be little reason to afford the relief sought if she intends to continue to reside in Germany indefinitely, to hold herself out as a German citizen, and to act as such.

Sincerely yours,

THRUSTON B. MORTON,
Assistant Secretary
(For the Acting Secretary of State).

Congressman James Devereux, the author of the bill, submitted the following documents in support of the bill:

DAVIS POLK WARDWELL SUNDERLAND & KIENDL,
New York 5, N. Y., November 24, 1953.

To Whom It May Concern:

As her attorney I have prepared a brief summary of my knowledge of the background and history of Mrs. Esterlee Weinhoeppel, who because she "voted in a political election in Germany" on March 30, 1952, has been deprived of her United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940.

Mrs. Weinhoeppel was born in Baltimore, Md. on December 3, 1922, as a United States citizen. She was the daughter of George H. and Celeste R. Hutzler, both United States citizens. George H. Hutzler was born December 3, 1876, in Baltimore and his wife was born December 23, 1898, in Baltimore. Mr. Hutzler has been deceased for some time and Mrs. Hutzler is now living at 1 East 66th Street, New York City 21. Mrs. Weinhoeppel has a brother George H. Hutzler, Jr., who resides at the Hotel Gotham, 136 West 56th Street, New York City.

From 1922 until 1928, Mrs. Weinhoeppel lived with her parents in New York City. Thereafter, until 1935 she was at school in both Vienna, Austria, and Switzerland. From 1935 until 1941 she resided in Baltimore. In 1941 she started college at Bryn Mawr, in Bryn Mawr, Pa., and she was graduated from there in 1945. Thereafter she resided in New York City with her mother until 1948 when she went to Germany to study dancing.

Shortly thereafter in Germany she met and married Kurt Maximillian Weinhoeppel, a German citizen. She has been living with her husband and children since that time in Germany, for the most part in the town of Unterwoessen, Chiemgau, Obb, which is a town of about 800, 80 miles from Munich. Since September 1953 she has been residing in Munich at 26 Schoenfeldstrasse. She has two daughters, Heidi, born August 26, 1949, and Moni, born March 7, 1951; both are United States citizens.

On March 30, 1952, Mrs. Weinhoeppel, innocently and unwittingly, cast a ballot in the voting for the burgermeister of Unterwoessen. This act constituted "voting in a political election in a foreign state" and automatically deprived Mrs. Weinhoeppel of her United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940. Mrs. Weinhoeppel, of course, did not realize that voting for mayor of such a small town constituted a "political election"

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and, therefore, she did not feel that she was expatriating herself. The incumbent mayor had apparently treated the local citizens and particularly German refugees from Czechoslovakia and East Germany rather harshly and therefore was a very unpopular man. Furthermore, he had been imprisoned for 6 months after the defeat of Germany in World War II. As a property owner, interested in the affairs of the small community in which she lived, Mrs. Weinhoeppel most naturally wanted to have a say in the conduct of the government of the community.

In January 1953 Mrs. Weinhoeppel went to the vice consul's office in Munich to register her second daughter as an American citizen. At this time she volunteered the information that she had voted for the mayor in her community. The vice consul confirmed this statement and then reported it to the Secretary of State on March 23, 1953, by submitting to him a certificate of loss of nationality for his approval. In June 1953 the Secretary of State formally approved this certificate of loss of nationality. Thereafter, as far as the Department of State was concerned, Mrs. Weinhoeppel was no longer an American citizen, and she was forced to submit her American passport to the vice consul in Munich.

Mrs. Weinhoeppel would now like to obtain passage of a private bill in Congress which would permit her to retain her United States citizenship. In addition to her mother and brother, reference can be made to her cousin, Mr. Charles Hutzler of Hutzler Bros. & Co., Baltimore, Md. Former United States Ambassador George S. Messersmith of Genova 44, Mexico City, Mexico D. F., is a close friend of the family. Mrs. Elizabeth Morison of Brooklandville, Md., has known Mrs. Weinhoeppel closely for most of her life. These people will be glad to furnish further references and other material concerning her background.

ROSS E. TRAPHAGEN, JR.

FEDERAL REPUBLIC OF GERMANY,
Consulate General of the United States of America, ss:

Esterlee Weinhoeppel, being duly sworn, deposes and says:

If Senate bill S. 2611, the House of Representatives bill H. R. 7411, or some similar bill is passed to restore to me the status of a native-born citizen of the United States of America, I intend within a reasonable period of time to resume permanent residence in the United States, and I do not intend to ever again participate in the political affairs of a foreign country while maintaining such status as a citizen of the United States.

ESTERLEE WEINHOEPPEL.

Sworn to before me this 10th day of March 1954.

[SEAL] JOHN M. THOMPSON, JR.,
American Vice Consul.

Senator John Marshall Butler, the author of a similar bill (S. 3999), submitted the following memorandum in connection with the case:

MAY 22, 1956.

MEMORANDUM RE MRS. ESTERLEE HUTZLER WEINHOEPPEL

Mrs. Esterlee Hutzler Weinhoeppel is a native-born citizen of the United States. As a result of her unwitting act of voting in a local mayoralty election in a small German village on March 30, 1952, the State Department determined that she had lost her citizenship. In response to her petition, Congress restored the status of a native-born citizen to her (Private Law 772, 83d Cong., 2d sess.). It was provided, however, that failure by Mrs. Weinhoeppel to establish permanent residence in the United States within 18 months following the enactment of the act, would result in the divestiture of her citizenship. It now appears that this proviso may be seized upon to subject Mrs. Weinhoeppel to continuing uncertainty and may be improperly utilized to deny her the full status of native-born citizen.

Mrs. Weinhoeppel was expatriated for the single act of voting for a mayor in the small German village of Unterwoessen, a village community of about 1,500 people. The record shows that she did so innocently and unwittingly, with no realization that it would qualify as a political election which would be grounds for loss of citizenship. Significantly, she did not vote in the German state election for Bavaria which was coupled with the election of the village mayor. Indicative of the complete innocence of Mrs. Weinhoeppel's act is that her voting for the mayor of Unterwoessen was made known to the American consulate by her of her own free will at the time she registered her second child as an American citizen at the consulate.

The circumstances surrounding this single unwitting act of voting in a village election are such that our courts might well have set aside the action of the Department of State in issuing a certificate of loss of nationality if Mrs. Weinhoeppel had pursued that course. See, e. g., *Soccodatto* v. *Dulles* (226 F. 2d 243 (Ct. App. D. C. 1955)); *Acheson* v. *Droesse* (197 F. 2d 574 (Ct. App. D. C. 1952)). Since, however, relief from Congress appeared the most expeditious way to rectify the situation and reaffirm Mrs. Weinhoeppel's United States citizenship, this course was pursued rather than court action.

Following the passage of the private law restoring her native-born citizenship, Mrs. Weinhoeppel returned to the United States within the prescribed 18-month period and established a permanent residence in Baltimore, Md. She leased an apartment at 607 Charles Street in Baltimore and has furnished this residence. Since music is her major interest, Mrs. Weinhoeppel enrolled as a student in the Peabody Institute of Music in Baltimore. Her securities and funds are in Baltimore and New York City and she maintains bank accounts in both cities. Her mother, brother, and other relatives are all native-born citizens and residents of the United States.

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After returning to this country to establish a residence, Mrs. Weinhoeppel found it necessary to return to Europe in May 1956, because of a difficult domestic situation. Her 2 children, daughters of the ages of 5 and 6, respectively, had already been without her guidance for some time. Her husband, a German citizen who has never been to the United States, is a director of a school in Munich, Germany. He is unable to leave this position and is unwilling to come to the United States at this time. In this situation, Mrs. Weinhoeppel could remain in the United States at this time only at the cost of breaking up her family.

Consequently, she found it necessary to return to Germany in an effort to resolve her serious family problems. She is understandably desirous of preserving her marriage as well as her citizenship.

Although the Passport Division on May 2, 1956, revalidated Mrs. Weinhoeppel's passport until February 10, 1957, it refused to do so for any longer period and indicated some reluctance in issuing her a passport even for this limited period. In discussions with officials of the Passport Division, it was indicated that Mrs. Weinhoeppel had not complied to their satisfaction with the proviso relating to the establishment of permanent residence in the United States, and that in their judgment the solution to Mrs. Weinhoeppel's problem would be in the form of further legislation.

Although we differ with the State Department's interpretation of the requirement imposed by the proviso, it seems clear that, unless the attitude of the Passport Division should change, Mrs. Weinhoeppel can never be sure that she will not be hampered in the exercise of her rights as a native-born citizen of the United States. The proposed bill would remedy this by eliminating the effect of the ambiguous proviso.

The proviso is undesirable both from a logical and legal viewpoint. As a matter of logic, it is distinctly unfair to impose special conditions as to establishment of a permanent residence on Mrs. Weinhoeppel, who was already married to a German national who had never been to this country and might not be willing to come to the United States. Such a restriction would almost certainly lead to the domestic difficulties which Mrs. Weinhoeppel is now encountering. Mrs. Weinhoeppel should not be forced to choose between her husband and her country.

From the legal point of view, the proviso is also objectionable. Congress declared explicitly in the bill that Mrs. Weinhoeppel was to be restored to her status as a native-born citizen. To give any continuing effect to the proviso would necessarily deprive her of the rights of a native-born citizen. Thus, while Mrs. Weinhoeppel is a native-born citizen, the proviso can have the effect of giving her only second-class citizenship.

In view of the logical and legal objections to the proviso, it is not surprising that the Congress, in past laws restoring

citizenship lost through voting in foreign elections, has not included any such unfair proviso as that which was contained in the bill for the relief of Mrs. Weinhoeppel. For example, neither Public Law 514 of the 82d Congress (restoring United States citizenship to those who had lost it by voting in political elections in Italy) nor Public Law 515 of the 83d Congress (dealing with the loss of such citizenship by voting in elections in occupied Japan) contains any such limiting proviso. Similarly, the Congress has passed private bills for individuals who have lost citizenship through voting in a foreign election, which have not contained any such provisions relating to permanent residence. See, for example, Private Law 144, 82d Congress, 1st session, restoring the citizenship of Mrs. Clara Raffloer Droesse lost by voting in a German election. In the interest of justice and fairness, the proviso should be deleted from the law which restored Mrs. Weinhoeppel's citizenship.

Mrs. Weinhoeppel has already paid heavily for her innocent act of casting a ballot in a German local village election. Mrs. Weinhoeppel was born in this country, as were both her parents and their parents before them, and is a member of a family with deep roots in and attachments to the United States and the State of Maryland. Her brother is a major in the United States Air Force. Mrs. Weinhoeppel has always viewed the United States as her country, and the country of which both she and her children are citizens. Her native-born citizenship is most precious to her, as the Congress recognized in restoring it to her. The cloud which results from the unfortunate proviso in Private Law 772 should be removed by the passage of the proposed bill.

Inasmuch as the committee is reporting the instant bill favorably, Senator Butler's bill (S. 3999) will be indefinitely postponed.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 11821), as amended, should be enacted.

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Calendar No. 2784

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2736

WAIVING CERTAIN PROVISIONS OF SECTION 212 (a) OF THE IMMIGRATION AND NATIONALITY ACT IN BEHALF OF CERTAIN ALIENS

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. J. Res. 661]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 661) to waive certain subsections of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens, having considered the same, reports favorably thereon without amendment and recommends that the joint resolution do pass.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution is to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of 11 persons. The joint resolution also provides for the posting of bonds in cases where they are necessary, and limits the waivers to grounds for exclusion of which the Departments of State and Justice had knowledge prior to the enactments of this act.

STATEMENT OF FACTS

The following information concerning each case included in the joint resolution was contained in House Report No. 2591, 84th Congress, 2d session:

Zmirah Mittelman—H. R. 4453, by Mr. Ashley

The beneficiary is a 26-year-old native and citizen of Israel who has been a resident of Canada since 1952. Her father is a naturalized citizen of the United States and her mother is a lawfully resident alien. She has a sister who is also a lawfully resident alien of the United States. The beneficiary was refused a visa because she has been found to afflicted with feeblemindedness.

The pertinent facts in this case are contained in a letter dated June 28. 1955. from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 28, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4453) for the relief of Miss Zmirah Mittelman, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Toledo, Ohio, office of this Service, which has custody of those files.

This bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are mentally defective, and would grant the beneficiary permanent residence if she is found to be otherwise admissible. The bill would also require that bond be deposited to insure that the beneficiary shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING MISS ZMIRAH MITTELMAN, BENEFICIARY OF H. R. 4453

The beneficiary resides in Windsor, Ontario, Canada. Mr. Kalman Aharoni, the sponsor and a distant relative, has furnished the following information:

Zmirah Mittelman, a citizen of Israel, was born on July 4, 1929, in Haifa, Israel, and now resides at 1114 Pierre Street, Windsor, Ontario, Canada. She has resided in Canada since 1952. She has never been a resident of the United States. It is reported that she is engaged in housework and sewing, from which she derives an income of about $25 a week. Her only known asset is a $700 bank account in a New York City bank. The beneficiary has never been married. Her father, Haim, a naturalized United States citizen, and mother, Purja, a legal resident alien, live at 320 East 176th Street, Bronx 57, New York. Her father is a garment worker. Her sister, Shulamit, who resides with the parents, is employed as a school teacher. Mr. Aharoni stated that if the beneficiary were admitted to the United States she would reside with her parents.

Miss Mittelman was refused an immigrant visa by the American consul in Windsor, Ontario, Canada, on October 12, 1954, under section 212 (a) (1) of the Immigration and Nationality Act, because she was found to be "feeble minded—class A." Her name has been taken off the quota waiting list. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

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Mr. Kalman Aharoni, the sponsor, is married and lives with his wife and four dependent children at 1362 Eleanor Street, Toledo, Ohio. He claims he is related to the beneficiary by virtue of his being a second cousin to her mother. No proof of this relationship is available. Mr. Aharoni is a citizen of the United States through naturalization at Flint, Mich., on November 13, 1935. He is president of the Thrift's Outlet Shoe Store, Inc., and the Zion Realty Co. The first of these companies has a capital investment of $35,000. The second, a net equity in excess of $200,000. He is also the owner of commercial downtown property. His salary and bonus from the two companies over which he presides is in excess of $18,000 annually. He owns his home valued at $20,000 and his life is insured for $65,000. He stated that, if required, he will post proper and suitable bond in the beneficiary's behalf.

The sponsor is charged with only one arrest on a minor charge which is reported as follows:

April 16, 1935: Arrested, Police Department, Toledo, Ohio. Charge: Failure to have vendor's license and failure to cancel stamps.

April 23, 1935: Discharged by Judge Murlin for failure to have vendor's license.

May 16, 1935: Time allowed to file motion for failure to cancel stamps—no further disposition.

The Director of the Visa Office, Department of State, also submitted a report on this case which is quoted below.

DEPARTMENT OF STATE,
Washington, May 2, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 16, 1955, and its enclosures, wherein you requested a report of the facts in the case of Zmirah Mittelman, beneficiary of H. R. 4453, 84th Congress, 1st session.

According to a report received by the Department on March 1, 1949, from the American consulate at Haifa, Israel, Zmirah Mittelman was refused an immigration visa on April 1, 1947, on the ground that she was mentally defective and therefore inadmissible into the United States under section 3 of the Immigration Act of February 5, 1917, as amended. The report states that Miss Mittelman was examined by Dr. L. Halpern, head of the neurological department, Hadassah Hospital, Jerusalem, and Dr. M. Neumann, examining physician for the consulate, who both certified that in their opinion Miss Mittelman was feeble-minded.

Information contained in the Department's files reveals that Miss Mittelman was given a further intensive medical examination during 1950 by a board of physicians convened by the consulate at Haifa, and that the resultant report was submitted to the Public Health Service, Federal Security Agency, in Washington, D. C. The Department's records contain a letter dated June 1, 1950, from Dr. Ralph Gregg, senior surgeon, Assistant Chief, Division of Foreign Quarantine,

Public Health Service, which gives the following evaluation of the report of the board of physicians:

"The question of whether or not a certificate should be issued rests on whether or not this individual falls within the description of a feeble-minded person as postulated in the manual, namely, is this individual's common knowledge, retentiveness of memory, reasoning power, learning capacity, and general mental reactions severally and distinctly below that exhibited by the average of the same race living under the similar environment. In my opinion the information furnished indicates that Zmirah does fall within the group described above. There is one thing, however, which is probably making it difficult for the physicians in Israel to come to the proper opinion, namely, she does seem to have a relatively good fund of common knowledge. This may be the result of special training, special coaching or may only be a coincidence. It seemed quite apparent to me from part of the correspondence that when placed in a situation when she is on her own responsibility it is extremely difficult for her to function in an adequate manner and I think we can feel from this that she would likely experience considerable difficulty in providing for herself and her own support.

"Your attention is also called to page 5, paragraph 5, headed 'Conclusions' in the report of Dr. Blumenthal, Lob and Unna. In this paragraph reference is made to the fact that in the opinion of these physicians reunion with Zmirah's family would be desirable from the mental hygiene standpoint and could have only a positive influence on her. This is a humanitarian opinion with which I am unable to disagree. However, it appears to be outside of the realm of opinions and information which are necessary in arriving at the decision as to whether a certificate should be issued.

"There leaves no doubt as to the existence of mental deficiency in Zmirah. In my opinion the other data removes doubts as to the degree of this mental deficiency and indicate a sufficient degree that a class A certificate should be issued."

The American Consulate at Windsor, Ontario, Canada, informed the Department on October 26, 1954, that on October 14, 1954, Miss Mittelman was found ineligible to receive a visa under section 212 (a) (1) of the Immigration and Nationality Act on the ground that she had been certified by Dr. Max M. Mendelson, United States Public Health surgeon attached to the consulate, as class A (feeblemindedness). A copy of Dr. Mendelson's report is enclosed.

In view of the findings of the medical examiners concerning Miss Mittelman's condition, the consular officers concerned had no alternative other than to find the alien ineligible to receive a visa.

At this time the Department has no knowledge of any factor in Miss Mittelman's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Miss Mittelman from receiving a visa.

Sincerely yours,

ROLLAND WELCH, *Director, Visa Office.*

Enclosure: Copy Dr. Mendelson's report, October 15, 1954.

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Mr. Ashley, the author of H. R. 4453, appeared before a subcommittee of the Committee on the Judiciary, and testified in support of his bill, as follows:

> On February 25 I introduced a private bill, H. R. 4453, for the relief of Miss Zmirah Mittelman, who is presently residing in Windsor.
>
> Miss Mittelman has been refused an immigration visa for permanent residence in the United States on several occasions on a finding that she was inadmissible to the United States under section 212 (a) (1) of the Immigration and Nationality Act. I believe that part of the difficulty in Miss Mittelman's case has been due to the fact that she does not speak English well. Her natural language is Hebrew and it is felt that the lack of a mutual language understanding had a great effect on the results of the tests she was given.
>
> Her parents and other members of her family are citizens of the United States. It is their belief, as well as mine, that her condition would improve if she were permitted to join her family.

Francesco Bautti—H. R. 8509, by Mr. Clark

The beneficiary is a 49-year-old native and citizen of Italy. His wife and 2 children are citizens of the United States and 1 child is a lawfully resident alien in this country. They all reside in Pennsylvania. The beneficiary was refused a visa because of a conviction for assault in Italy in 1939 for which he received a suspended sentence of 4 months imprisonment.

The pertinent facts in this case are contained in a letter dated May 11, 1956, to the chairman of the Committee on the Judiciary from the Commissioner of Immigration and Naturalization. That letter and accompanying memorandum read as follows:

> DEPARTMENT OF JUSTICE,
> IMMIGRATION AND NATURALIZATION SERVICE,
> *Washington, D. C., May 11, 1956.*
>
> Hon. EMANUEL CELLER,
> *Chairman, Committee on the Judiciary,*
> *House of Representatives, Washington, D. C.*
>
> DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8509) for the relief of Mr. Francesco Bautti, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Pittsburgh, Pa., office of this Service, which has custody of that file.
>
> The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude and would authorize the alien's admission for permanent residence if he is otherwise admissible under that act. The bill provides that this exemption shall apply only to a ground for exclusion of which

the Department of State or the Department of Justice has knowledge prior to the enactment of the act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FRANCESCO BAUTTI, BENEFICIARY OF H. R. 8509

Information concerning this case was obtained from Mrs. Adal Gisa Bautti, the beneficiary's wife.

The beneficiary was born on November 13, 1906, in Italy. He completed 3 years of schooling in his native country. He is a farmer and resides in Cermignano, Teramo, Italy, where he owns a 75-acre farm.

The beneficiary has never been in the United States. He applied at the American consulate in Rome, Italy, in 1954 for an immigrant visa. He was refused such visa on the ground that he had been convicted of a crime involving moral turpitude.

The beneficiary married Adal Gisa, a United States citizen, on October 22, 1932, in Italy. Three children were born of this marriage in Italy. Marino, age 19, and Pietro, age 15, are citizens of the United States. Maria, age 13, is a citizen of Italy. Marino and Pietro derived United States citizenship through their mother, who was a citizen of the United States at the time of their birth. Mrs. Bautti had expatriated herself by voting in a political election in Italy in 1940 and was not a citizen of the United States at the time of Maria's birth. Therefore, Maria did not derive United States citizenship through her mother. Mrs. Bautti regained her United States citizenship in 1953 by taking the oath of repatriation.

Mrs. Bautti was born in Altoona, Pa., on May 12, 1907. Her parents took her to Italy when she was a child and she resided there until July 1954, at which time she returned to the United States with her children. Mrs. Bautti, Marino and Pietro were admitted as United States citizens. Maria was admitted as an immigrant.

Mrs. Bautti and her children reside at Midland, Pa. She is a housewife and dependent upon her son, Marino, for support. Marino is employed by the Crucible Steel Co., of Midland, Pa., as a bricklayer's helper. His salary is $280 per month.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary.

The Director of the Visa Office, Department of State, submitted a report on this case on February 6, 1956, which reads as follows:

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DEPARTMENT OF STATE,
Washington, February 6, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 24, 1956, requesting a report of the facts in the case of Mr. Francesco Bautti, the beneficiary of H. R. 8509 which was introduced by Congressman Frank M. Clark on January 16, 1956.

The Department's files contain a report dated January 3, 1955, from the consul general at Naples, Italy, indicating that Mr. Bautti was found to be ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act as a person convicted of assault. A copy of a translation of the court record is enclosed and also a copy of the applicable articles of the Italian Penal Code.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Enclosures: (1) Translation of court record; (2) articles of Italian Penal Code.

TC No. 14291
T-44/R-II
Italian

TRANSLATION OF COURT RECORD

In the name of His Majesty Victor Emmanuel III, by the grace of God and the will of the Nation, King of Italy and Albania and Emperior of Ethiopia.

The Criminal Court ("Tribunale") of Teramo, composed of:

1. Nicola Sparvieri, Presiding Judge.
2. Vincenzo Quattrocchi, Judge.
3. Carlo Lignola, Judge.

has pronounced the following Sentence in the criminal proceedings against:

Francesco Bautti, son of Pasquale [Bautti], aged 32,
Ettore Di Martino, son of Serafino [Di Martino], aged 19, of Cermignano,

CHARGED

with the crime envisaged in Arts. 582 par. I, 585, 577 No. 3, and 110 of the Penal Code for having, in concurrence with each other, and with premeditation, caused to Giovanni De Stefano, by means of a club, personal injuries judged curable in 30 days, with 20 days' incapacity to attend to his ordinary occupations. In territory of Cermignano, on the evening of November 21, 1938.

In fact: On November 21, 1938, at about 6:30 p. m. while returning to Villa Martinelli in Cermignano, Giovanni Di Stefano, a resident of Basciano, was assaulted by two persons who struck him with a club and caused him to suffer multiple injuries, the most serious of which was an irregular laceration of the skin and subcutaneous membrane, about 10 centimeters long, on the upper region of the forehead; also, another injury, with irregular laceration of the skin only for a length of about 3 centimeters, on the left eyebrow, as well as diffused swelling on the under side of the forearm, on the axis of

the cubitus, and fracture of the same at the height of the elbow, in addition to a slight skin laceration on the right knee. The said injuries caused illness for 30 days, with 20 days' incapacity to attend to ordinary occupations. Giovanni Di Stefano identified one of the attackers as Francesco Bautti, a resident of Villa Martinelli in Cermignano and on December 1, 1938, the local Carabinieri laid an information against the said Bautti; later, having conducted further inquiries for the identification of the other attacker, on January 1, 1939, the Carabinieri laid an information against Ettore Di Martino. Criminal proceedings were instituted against the two accused persons and, pursuant to a summary investigation, a summons decree was issued committing the two to trial by this Court for the crime imputed to them as in the charge.

IN LAW

As to the responsibility of Francesco Bautti, the Court observes that, in spite of his having protested his innocence and attempted to offer an alibi, on the basis of which the defense asked for his acquittal on grounds of insufficient proof, the facts emerged in the course of the debate give complete evidence of his being guilty. It is well first of all to point out that there was a reason for the attack on the 6th of the same month, that is to say a week or so before the fact took place, the injured party, unadvisedly, had accompanied his friend Angelo Bucci to the neighborhood of Bautti's home where the latter's sister was waiting for Bucci, her sweetheart, to elope with him—a fact which earned him the enmity of the Bautti family. Besides, the specific proof is such that Bautti's alibi deserves absolutely no credit: he alleges that on the evening on which the fact took place, from 7:30 p. m. to about midnight he was in the home of one Francesco Serrani located at Villa Capano in the town of Penna S. Andrea, and he produced the said Francesco Serrani as a witness. Against this version stands the identification of the injured party who, having gone, immediately after the attack, to the home of the Marroni brothers to clean up and having found there Franco Di Martino, Bautti's brother-in-law, told him: "your relative has ruined me." And when Giuseppe Marrone took Di Stefano home after giving him first aid, the latter specified that it had been Bautti who had attacked him. And if this identification needs any support, it received it in the deposition of the witness Antonio Leggieri who saw Francesco Bautti that evening, armed with a club, lying in wait on the slope. On the basis of this store of proof Francesco Bautti must answer for the crime as charged to him; personal injuries [assault and battery?] aggravated by premeditation, in as much as the fact contains all the elements set forth by the law. Taking into account the manner in which the fact took place, beginning with a basic penalty of imprisonment for 3 months and 15 days, increased by 15 days for premeditation, a just penalty is imprisonment for 4 months, altogether, in addition to court costs and damages to the injured party, who has stated his intention to seek damages. Finally, taking into account the fact that the defendant was not wont to commit a crime, and his good criminal record heretofore, the benefit of a suspended sentence under the provisions of the law is advisable.

As to Ettora Di Martino's responsibility, proof of it is lacking. According to the testimony of Antonio Gerardi and his father Giu-

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seppe, brother-in-law and father-in-law respectively of the injured party, these two learned from Antonio Leggieri that Ettore Di Martino was present when the fact took place. But upon being interrogated on this circumstance, Antonio Leggieri said that it was not true, and confirmed this under oath at today's hearing. Now, on the basis of such proof, which certainly shows equivocation and discrepancy, the Court cannot hold Ettore Di Martino responsible and finds it just that he should be acquitted on grounds of insufficient proof.

FOR THESE REASONS

The Court, in view of Arts. 483, 488, 489 and 479 of the Penal Code, declares Francesco Bautti guilty of the crime as charged and sentences him to imprisonment for 4 months and payment of court costs in addition to damages to the injured party who has stated his intention to seek damages. Such damages are assessed altogether at 550 lire, including therein 200 lire as fee for counsel.

Acquits Ettore Di Martino on grounds of insufficient proof.

Orders that execution of the sentence imposed on Francesco Bautti as above be suspended under the provisions of the law.

TERAMO, *April 26, 1939.*

Signatures follow.

By a decision of the Court of Appeals of Aguila dated June 24, 1954, Francesco Bautti was rehabilitated.

TERAMO, *June 26, 1954.*

Signed:

CUCCINELLI, *Clerk of the Court.*

This true copy of the original is issued at the request of Francesco Bautti for use in emigration proceedings.

TERAMO, *November 5, 1954.*
(Signed) ROSSI,
Clerk of the court.

[Certification of signatures follows.]

REPUBLIC OF ITALY,
Province of Naples, City of Naples,
Consulate General of the United States of America, ss:

I, Charles T. Warner, vice consul of the United States of America at Naples, Italy, duly commissioned and qualified, do hereby certify that the annexed is a true and faithful copy of the Articles 582, 585, 577, and 110 of the Italian Penal Code, the same having been carefully examined by me and found to agree therewith word for word and figure for figure.

In withess whereof I have hereunto set my hand and official seal this 27th day of December 1954.

[SEAL] CHARLES T. WERNER,
Vice Consul of the United States of America at Naples. Italy.

Service No. 4836.
Item No. 38.
No fee prescribed.

Mr. Clark, the author of H. R. 8509, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

Mrs. Francesco Bautti, wife of Francesco, with her three children are residing in Midland, Pa., in my congressional district. Her husband's visa was refused because of an offense committed on November 21, 1938. Mr. Bautti had an argument with a friend and a fist fight resulted. Later, the friend brought a charge of personal injury against Mr. Bautti. On April 26, 1939, the court found him guilty and sentenced him to "4 months of reclusion," but in accordance with a regulation of the penal code of that country, at the time of the hearings, the court granted a conditional suspension of this sentence for 5 years. On April 1944, the record shows that Mr. Bautti did fulfill the conditions set by the court; and that, during his 5-year probation period, he had not committed any other crime. The court then issued a decree of rehabilitation.

The American consul refused to accept the decree because it was a certificate of rehabilitation and not of pardon. Mr. Bautti then obtained a statement from the burguess of the town of Cermignano, Province of Teramo to the effect that there does not exist any other pardon in Italy outside of rehabilitation. On April 28, 1955, the court of Teramo said that it could not grant a pardon for a crime that had already been extinguished through the process of law.

I have a copy of the court record as well as a complete brief prepared by an attorney, Miss Genevieve W. Settino of Ambridge, who has been assisting Mrs. Bautti in having her husband admitted to the United States.

I believe it would be humane and for the public interest to reunite this family.

Maria D. Herren—H. R. 8214, by Mr. Wilson of Indiana

The beneficiary is a 27-year-old native and citizen of Italy who is the wife of a citizen of the United States. She has been found inadmissible to the United States as one who has practiced prostitution.

The pertinent facts in this case are contained in a letter dated April 9, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 9, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25 D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8214) for the relief of Mrs. Maria D. Herren and infant, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Hammond, Ind., office of this Service, which has custody of those files. According to the records of this Service, the name of the infant beneficiary is Doris Marie Herren.

The bill would waive, in the case of the adult beneficiary, the provisions of the Immigration and Nationality Act which exclude from

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admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, and aliens who are prostitutes, or who have engaged in prostitution, and would authorize her admission for permanent residence, if she is found to be otherwise admissible. It further provides that this waiver shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

According to the information available to this Service, the infant beneficiary is a citizen of the United States. The committee may desire to amend the bill by deleting the reference to the infant.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. MARIA D. HERREN AND INFANT, BENEFICIARIES OF H. R. 8214

Information concerning this case was obtained from Mr. Ennis Frederick Herren, husband of the adult beneficiary and father of the infant beneficiary.

The adult beneficiary, Mrs. Maria D. Herren, a native and citizen of Italy, was born on May 18, 1929. She was married in Italy on May 2, 1954, and has one child, Doris Marie Herren, who was born in Trieste, Italy, on January 7, 1955. Mr. Herren has stated that the child has been registered with the United States consul at Genoa, Italy, as a citizen of the United States. The beneficiaries reside in Trieste, Italy.

Mrs. Herren is not employed and has no assets or income except that provided by her husband. She completed elementary school in Italy. Her widowed mother resides in Italy.

According to Mr. Herren, the adult beneficiary was refused a visa by the United States consul at Genoa, Italy, in June 1954, apparently on the grounds that she had been convicted of a crime involving moral turpitude and had been a prostitute. The committee may desire to request the Bureau of Security Consular Affairs, Department of State, to secure information in this connection.

Mr. Ennis Frederick Herren was born on July 9, 1930, at Columbus, Ind., and resides at 1216½ Sixth Street, Columbus, Ind. He is employed by the Kroger Gorcery & Baking Co. and earns $70 a week. His assets consist of approximately $570 in personal effects and savings. Mr. Herren served in the United States Navy for 1 month in 1951 and was discharged due to an eye defect. He enlisted in the United States Army in January 1952, and was honorably discharged on December 31, 1953. Mr. Herren has stated that he met the adult beneficiary in Trieste, Italy, in 1952 and returned to Italy in March 1954, to marry her.

The Director of the Visa Office, Department of State, submitted a report on this case which reads as follows:

DEPARTMENT OF STATE,
Washington, February 20, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 13, 1956, requesting a report of the facts in the case of Maria D. Herren and infant, the beneficiaries of H. R. 8214 which was introduced by Mr. Wilson on January 5, 1956.

The files of the Department indicate that a report dated November 19, 1954, was received from the consulate general at Genoa, Italy, indicating that the records of the police authorities of Venezia Giulia show that Maria Herren nee Dalino, identifiable by name, date and place of birth, and photograph, is listed as a known and registered prostitute. Information from official sources indicates that from October 30, 1946, to July 13, 1950, the subject was apprehended four times for morality reasons. From October 10, 1950, to June 2, 1952, subject was apprehended five times for lack of identification. On July 10, 1952, the allied court of remand granted subject temporary freedom after being in prison on suspicion of theft. From January 20, 1953, to January 21, 1954, subject was apprehended twice for morality reasons.

In view of the foregoing information a visa was refused to Mrs. Herren on November 19, 1954, under the provisions of section 212 (a) (12) of the Immigration and Nationality Act relating to prostitutes.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Wilson of Indiana, the author of H. R. 8214, submitted the following letter in support of his bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 24, 1956.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1,
House Judiciary Committee,
House of Representatives, Washington, D. C.

DEAR COLLEAGUE: This is to request that you schedule early consideration of my bill, H. R. 8214, concerning the admission to the country of the wife and child of one of my constituents in Columbus, Ind.

I am particularly concerned about this case, Mr. Walter, because the matter has been pending so long and the husband and father of the above-mentioned parties is under great mental and financial stress because of the long separation from his family. Since reports on the case have been given to your subcommittee by the State and Immigration Departments, I hope that nothing now stands in the way of action by your subcommittee.

I will be glad to appear before you when you consider this bill, if you think it necessary. It is my hope that this matter can be disposed of during the present session of Congress.

Cordially,

EARL WILSON,
Representative in Congress.

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Mrs. Aurora Costa Harty—H. R. 8574, by Mr. Thompson of New Jersey

The beneficiary of this bill is a 19-year-old native and citizen of Cuba who is the wife of a United States citizen. She has been found inadmissible to the United States as one who has engaged in prostitution.

The pertinent facts in this case are contained in a letter dated March 29, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 29, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8574) for the relief of Mrs. Aurora Costa Harty, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are prostitutes or who have engaged in prostitution and would authorize the alien's admission for permanent residence if she is otherwise admissible under that act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. AURORA COSTA HARTY, BENEFICIARY OF H. R. 8574

Information concerning this case was obtained from William Edward Harty, the beneficiary's husband.

The beneficiary, whose maiden name was Aurora Costa, was born on May 20, 1937, in Habana, Cuba. She has been married on two occasions. Her first marriage was to Richard Fuste, a citizen of Cuba, in June 1949. One child, Richard, Jr., was born of this marriage in Cuba on February 9, 1950. This marriage was terminated by divorce in 1953. The beneficiary's next marriage was to William Edward Harty on July 2, 1955 in Cuba. The beneficiary's father is deceased. Her mother resides in Cuba. She completed elementary school in her native country. She has never been employed and is dependent upon her husband for support.

The beneficiary has never been in the United States. She resides in Habana, Cuba. She applied at the American Consulate in Habana, Cuba for an immigrant visa in 1953 and again in 1955. She was refused such visa on the ground that she had engaged in prostitution.

The beneficiary's husband, William Edward Harty, is a citizen of the United States. He was born in Jersey City, N. J., on October 27, 1919. He served in the United States Air Force from November 1942 to November 1945. He then attended the University of California, where he received the degree of Doctor of Philosophy in Chemistry. Mr. Harty is presently employed as a chemist at the Radio Corporation of America in Princeton, N. J., at a monthly salary of $685. His assets, which consist of personal property, are valued at $1,000.

The committee may wish to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below.

DEPARTMENT OF STATE,
Washington, March 6, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: I refer to your letter of January 24, 1956, requesting a report of the facts in the case of Mrs. Aurora Costa Harty, the beneficiary of H. R. 8574, which was introduced by Mr. Thompson on January 17, 1956.

The Department's files contain a report dated February 10, 1956, from the Embassy at Habana, stating that a nonimmigrant visa was refused to Mrs. Harty on June 12, 1953, since, according to information received from reliable sources, she had stated that she had been a prostitute. On the basis of this information, she was found to be ineligible to receive a visa under the provisions of section 212 (a) (12) of the Immigration and Nationality Act. There was no record of an arrest or conviction on this or other grounds. The report states that Mrs. Harty married William Harty, an American citizen, on July 2, 1955, and that her application for an immigrant visa was refused at the Embassy on July 11, 1955, under the section of the act referred to.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Thompson of New Jersey, the author of H. R. 8574, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

Mr. Chairman, I appear this morning before you in support of H. R. 8574, which I introduced on January 17, 1956, in behalf of Mrs. Aurora Costa Harty, of Habana, Cuba, wife of William Harty of 18 Vandeventer Avenue, Princeton, N. J. This legislation is the only means whereby Mrs. Harty can enter this country and the couple establish a home together.

Mr. Harty, a constituent of mine, met Miss Costa, a Cuban national, in Habana in 1954 and 1 year later—on July 2, 1955—they were married. Mrs. Harty was born in Habana on May 20, 1937, and had previously been married to Richard

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Fuste, a Cuban, whom she divorced (as documents will attest) in 1953. A child was born in February 1950 of this marriage and upon the divorce she was awarded custody of the child. Following her marriage to Mr. Harty, she applied for a visa to enter the United States, but was denied admission under section 212 (a) (12) of the Immigration and Nationality Act, which prohibits the admission of aliens who have engaged in prostitution. There was no arrest or conviction on this or any other grounds. I have verified with the consul at Habana and with the Immigration and Naturalization Service the reasons for the denial and the consul assured me that every possible consideration was accorded Mrs. Harty's visa application prior to reaching a conclusion regarding her ineligibility to receive a visa. The consul advises (to quote from his report to me, dated September 15, 1955) "the only alternative which would permit a consular officer to grant a visa in the case would be if Mrs. Harty were the beneficiary of a private bill introduced in her behalf." Hence my sponsorship of H. R. 8574.

Reports have been requested by the Committee on the Judiciary of the Immigration and Naturalization Service and the State Department and the reports which have been received will confirm the above facts. In the reports neither agency interposes any objection to Mrs. Harty's admission under this private bill.

Mr. Harty was born in Jersey City, N. J., on October 27, 1919. He served in the Air Force from November 1942 to 1945, attended the University of California, where he received a doctor of philosophy degree in chemistry. He is presently employed at the Radio Corporation of America in Princeton at $685 per month. He has assets consisting of personal property valued at $1,000.

Mr. Harty has advised me personally that at the time of his marriage to Mrs. Harty he was completely aware of her past activities. He further tells me that following her divorce, she tried to find employment to support herself and her son but, unfortunately, she was unable to find lucrative work. When her father became ill with cancer and was, therefore, no longer able to earn a livelihood, the burden of supporting the mother, father, and her child fell completely on her. She is an only child and was forced to assume the entire support of the family. In addition to the usual requirements of maintaining the household, she was forced to pay medical bills for her father who later died. It was during this period that she turned in desperation to prostitution. Had she had any other means of support, a trade or profession, she would never have taken this course.

It is my understanding that she gave up this kind of life when she met Mr. Harty, and he informs me that she is completely rehabilitated, is a good wife and excellent mother. I would like to read to the members of the subcommittee the following letter, dated June 11, 1956, from Mr. Harty:

PRINCETON, N. J., *June 11, 1956.*

Hon. F. C. THOMPSON, Jr.
House of Representatives,
Washington, D. C.

DEAR SIR: The following is an outline of the facts concerning my wife's case:

I met Miss Aurora Costa and her family in July 1954, when I was in Habana on vacation. After I returned to New Jersey, we exchanged letters, at first twice a week, and eventually every day. I helped them financially, and finally in November of that year I assumed complete responsibility for their support and had them move out into the suburbs of Habana away completely from their previous situation. I liked Miss Costa from the very beginning; I found her the most straightforward and honest person I had ever met. She at no time attempted to conceal the facts from me about her past activities. Finally, in January 1955, we decided that we would marry. Miss Costa became my wife on July 2, 1955, in Habana, Cuba. She is my legal wife, and I wish to bring her to this country to establish a home for her.

Miss Costa is an only child. While her father was alive, he supported the family, working as a mason at a very low salary. The family lived in a single room in Habana. Miss Costa married Richard Fuste in June 1949, but the marriage was an unhappy one. Her husband drank and was cruel to her. Finally, 1 year later, a few weeks after their baby was born, she was forced to take the baby and leave him, returning to her parents. The court awarded her a divorce in 1953, gave her custody of the boy, and specified that the husband should contribute a stated amount to their support. Despite this, the husband never sent them any money.

It is very difficult for a woman to obtain employment in Cuba. Miss Costa had no special training. She had not completed high school. She worked in a beauty parlor for 6 months at $5 a week from December 1951 to May 1952. Business became slow so she was let go. In August 1952, her father became ill with cancer and could no longer work. From that time on, Miss Costa was the only one who could support the family, and she was forced to turn to prostitution because there was no other way. Her father needed medical attention and medicines, and the attending doctor trusted Miss Costa to pay him eventually what was owed. There was no formal agreement, nothing that could have been brought to court, and when her father died in October 1953, she owed $200. Yet she eventually paid every cent.

At one time in her desperation Miss Costa applied for a visa to the United States in the hope that perhaps somehow there she could obtain a decent job. When her application was refused she was under the impression it was because she could not guarantee that she would not become a public charge. Later, when my wife and I were preparing to apply

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for her visa to join me in this country, neither of us had any idea that the immigration law would bar her. We assumed that the fact that she had given up that life, was completely rehabilitated, and was married now erased the past.

I wish to emphasize that my wife is a very moral woman; she hated the life she had to lead. She has never been in any trouble with the law, never neglected her baby and her mother, and has, in spite of the way she was forced to support them, led an exemplary life. Since I have assumed their support, my wife has devoted herself to raising her son properly and helping her mother in their home. The boy is now 6 years old, and is attending school. My wife keeps a close watch on his progress in school, talks frequently with his teachers. In the beginning he attended a small country school in the neighborhood, but my wife found that the instruction there was very poor so she transferred him to a better school. He looks fine and healthy, gets the best of care. Since he was only a few weeks old when my wife left her previous husband, he remembers nothing of his real father. He considers me his father and is very happy with me. I intend to adopt him as my son.

Despite her lack of a great deal of formal education, my wife is a very intelligent and capable woman. Despite her youth she is quite mature emotionally. She reads considerably, is interested and informed on world affairs and current events. Her written knowledge of English is excellent, we have been writing long letters to each other every day for almost 2 years in that language. She is very gifted artistically, sketches beautifully. I wish to point out these facts to indicate that my wife is very broad in her outlook and interests and will, I know, make a good citizen.

My wife and I love each other. We want to establish a home here together and raise our son. I accept her as my wife in every respect knowing all along about the past. I have been employed for the past 3 years as a research chemist in Princeton, N. J., and my present salary is $8,172 a year. I am well able to provide for my wife financially. When we have our home here, we have agreed that I will teach her shorthand and typing so that in the event anything happened to me, she would have a means of supporting herself when the insurance was gone. My wife and her little boy have suffered a great deal in the past due to no fault of their own. Now they and I have a chance for happiness.

Very truly yours,

WILLIAM HARTY.

I believe that this statement from Mr. Harty will confirm beyond anything I can say that he knew of his wife's former life, is perfectly willing to accept her as his wife and establish a home for her in this country. There is every indication that he can care for her financially and is anxious to do so.

His employment here keeps him in the United States but he has forwarded to his wife monthly allowances for her, the child, and her mother. So long as Mrs. Harty cannot enter this country, they must necessarily be separated. This bill will give Mrs. Harty not only an opportunity to live a normal, moral life but also will mean that the child will later be given a good American home and made a part of a family unit. If Mr. Harty is willing to accept her as his wife, I hope that the subcommittee will feel justified in approving her admission to this country. Mr. Harty has not passed judgment on his wife's past activities and unless one has lived or visited in countries outside the United States, it is difficult to imagine the poverty and desperation which sometimes leads a woman to follow these pursuits. A new life will open up for Mr. and Mrs. Harty by the passage of this measure. I believe that with her husband's help, she will become a good American citizen.

Herta Maria Zelenak (nee Pich-Lipinski)—H. R. 8764, by Mr. Clark

The beneficiary is a 32-year-old native and citizen of Germany who is the wife of a citizen of the United States. She has been found ineligible to receive a visa to this country as one who has engaged in prostitution.

The pertinent facts in this case are contained in a letter dated May 17, 1956 from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 17, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8764) for the relief of Herta Maria Zelenak (nee Pich-Lipinski), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Pittsburgh, Pa., office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are prostitutes or who have engaged in prostitution and would authorize the alien's admission for permanent residence if she is otherwise admissible under that act. The bill provides that this exemption shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HERTA MARIA ZELENAK (NEE PICH-LIPINSKI), BENEFICIARY OF H. R. 8764

Information concerning this case was obtained from the beneficiary's husband, Martin David Zelenak.

The beneficiary, a native and citizen of Germany, was born on January 26, 1924 in Berlin, Germany. She married Martin David Zelenak in that city on June 1, 1953. The beneficiary has never been in the United States. She resides with her husband in Berlin, Germany.

The beneficiary was refused an immigrant visa at the American Consulate in Berlin, Germany in November 1952 on the ground that she had been a prostitute.

The beneficiary's husband, Martin David Zelenak, was born in Aliquippa, Pa. on November 5, 1926 and is a citizen of the United States. Mr. Zelenak enlisted in the United States Army on February 6, 1945 and was discharged on October 17, 1946. He reenlisted on June 29, 1949 and served in Germany where he met the beneficiary. He was honorably discharged with the rating of corporal on March 7, 1953. Following his marriage to the beneficiary, Mr. Zelenak returned to the United States and was employed by the National Electric Co., Ambridge, Pa. as a pipefitter's helper. His average income was $400 per month in the winter and $300 per month in the summer. Mr. Zelenak resigned from this position in April 1954 and went to Germany to reside with his wife.

The committee may wish to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary.

Mr. Clark, the author of H. R. 8764, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

Martin Zelenak, Jr., of Aliquippa, Pa., in my Congressional District, met his wife while serving in the Army in Germany in 1950. In 1952 he endeavored to obtain a visa for her to come to the United States which was denied because it was reported that she led a wayward life prior to the time she met Zelenak. Zelenak claims that the German police and health office informed him they had nothing in their files to support the consulate's statements.

Zelenak returned to the United States and received an honorable discharge. Two months later, he went to Germany at his own expense and married the girl on June 1, 1953, in a civil and Catholic church ceremony. A visa was again denied.

Zelenak is only able to obtain odd jobs and his wife is employed as a seamstress. He can obtain permanent employment if he is permitted to return to the United States but will not come back without his wife.

I have received many letters from relatives and friends of Zelenak's urging me to help him. Also an attorney from

Germany came to see me when he was here last summer to discuss the case. He also talked to a member of the staff of this committee. He offered to help Zelenak without a fee because he felt so strongly that this couple should be afforded the opportunity to come to the United States.

Mr. Clark also supplied the following affidavit made by the husband of the beneficiary of this bill:

AFFIDAVIT

I, the undersigned, Martin Zelenak, Jr., of 1222 Croxall Avenue, Aliquippa, Beaver County, Pa., presently care of Manthey, 6 Hackerstrasse, Berlin-Friedenau, Germany, being duly sworn, do hereby depose and state as follows:

I am writing this affidavit in connection with a special bill to permit my wife, Herta Maria Zelenak, to enter the United States.

I was born in Aliquippa, Pa., on November 5, 1926, and my wife was born in Berlin on January 26, 1924. I met her on April 6, 1950, while serving as a soldier with the United States Army in Berlin. We began keeping steady company and I became engaged to her on December 25, 1951.

When we applied to the American consulate in October 1952 for a visa for her to come to the United States, the vice consul told me that my fiance had led a wayward life prior to the time she met me and that she could therefore not get a visa. I was shocked at the accusations they made and asked them what evidence they had to back it up. They never showed me anything to support their statements and never supported it with anything definite.

Their allegations did not fit my fiance's character as I knew her. Ever since I met her in April 1950 I have found her to be of excellent character, and I know that during the period since then she has never done anything improper. I checked with the German police and the German Health Office and they told me that there was nothing in their files to support the consulate's statements.

Before I returned to the United States in 1953 on rotation I had decided that I loved the woman enough to marry her in spite of what the consulate said. I received an honorable discharge from the Army of the United States on March 7, 1953. Two months later, on May 7, 1953, I sailed for Germany at my own expense to marry the woman I loved; and on June 1, 1953, we were married in Berlin in a civil ceremony and also in a Catholic church ceremony.

We tried again to get her a visa at the consulate, but without success. On August 4, 1953, I went back home and went to work for National Electric Corp., in Ambridge, Pa., as a pipefitter's helper. My wife and I did everything we honorably could to get her a visa but we did not succeed. I talked with my parish priest in Aliquippa and he told me that if my wife could not obtain a visa the right thing for me to do was to go and live with her in Germany. So, in March 1954, I again sailed for Germany at my own expense, arriving on March 31. I have been there ever since and we are living in Berlin together.

My wife has a steady job as a seamstress in a raincoat shop and we live largely on the DM39.00 (about $9.25) net that she now earns weekly. Because of the German limitation on foreigners' working,

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and because there is so much unemployment in Berlin, I am not allowed to have a steady job. However, I do odd jobs when I can find them. It is humiliating for me to be living off the earnings of my wife, but on the other hand I want to be with her and she wants to be with me. I want to take her back to the States as soon as possible where I can work and can support my wife and raise a family.

In closing I would like to say once more that my wife is of good character; she is unselfish, uncomplaining, and most of all, she humbles herself before God. I have learned many fine things from her—especially the virtues of patience and humility.

But even if all of the things that the consulate accused my wife of doing were true I would still be glad that I married her, I would still want her for my wife, and would still want to bring her to the United States with me and proudly present her to my father and my relatives and friends. I gladly forgive her whatever she may have done in the past because we are very much in love with each other. I want her to come to the United States so that we can live there together. In the 6 years that I have known her she has had no other desire but to make me happy. We have been very happy together and we both want to go to America where I can work and really provide her with a home and make a nice life for her. I have never stopped trying to get her a visa and I never will stop trying until she comes to the United States with me. I want to come back home to my own country as soon as possible, but I will not separate from my wife. It would be a sin to keep us apart when we are so devoted to each other.

When we get back home together I am going to work in the steel mills in Aliquippa, where I can earn enough to support my wife and the family we intend to raise. My wife will not work; she will stay home and take care of the household.

I am attaching a photostat of a carbon copy of a letter written about me by Brig. Gen. M. W. Daniel on February 9, 1953, when he was the commanding general of Berlin Command, United States Army. The original of this letter is in my Army records and not now available to me.

I am humbly grateful for the efforts that many people have made to help me and my wife, especially Congressman Frank M. Clark of the 25th District, Pennsylvania, and I hope and pray that something can be done soon to let my wife come back to Aliquippa with me. I am sure she would be a credit to my community because of her good character and her many fine traits.

Done in Berlin-Dahlem, this 7th day of May 1956.

MARTIN ZELENAK, Jr.

Subscribed and sworn to before me this 7th day of May 1956.

[SEAL] HELEN W. ROSE,
Vice Consul of the United States of America.

Service No. 2975.
Tariff item No. 24.
Fee paid: United States, $2.
DM equivalent, 8.40.

Eugenio Mininni—H. R. 5772 by Mr. Lesinski

The beneficiary is a 64-year-old native and citizen of Italy who is the husband of a lawfully resident alien in the United States. He has one son who is a citizen of the United States and another son who

is a lawfully resident alien in the United States. He has two more adult children, a son residing in Canada, and a daughter who is a native and citizen of Italy who resides in that country. He is ineligible to receive a visa to the United States because he used false documents when he returned to the United States in 1926 and because he was naturalized in 1929 on false claims that he had resided continuously in the United States since 1920. As introduced, H. R. 5772 was designed to grant the status of permanent residence to the beneficiary but, as included in this resolution, the language of the resolution waives the grounds for his inadmissibility to the United States and places him in a position to acquire permanent residence in the United States under the provisions of the general immigration laws.

The pertinent facts in this case are contained in a letter dated June 20, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 20, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5772) for the relief of Eugenio Mininni, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

Mr. Mininni is chargeable to the quota for Italy.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM THE IMMIGRATION AND NATURALIZATION SERVICE FILES RE EUGENIO MININNI, BENEFICIARY OF H. R. 5772

The beneficiary, Eugenio Mininni, a native and citizen of Italy, was born November 11, 1891. He is married to Giovanna Partipilo, a citizen of Italy, who was admitted to the United States for permanent residence on May 12, 1955. The beneficiary has four children, all of whom were born in Italy and have reached maturity. A daughter resides in Italy, and a son is living in Canada. Mr. Mininni has two sons residing in the United States; Sam Mininni, a United States citizen, and Frank Mininni, a citizen of Italy, who is a legal resident of the United States. The beneficiary and his wife reside with their son, Sam Mininni, at 6615 Yinger Street, Dearborn, Mich. He is employed by the Wabash

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Railroad Co. as a carloader and earns $70 per week; and his assets consist of $2,000 in United States savings bonds. Mr. Mininni has an elementary school education.

Mr. Mininni was first admitted to the United States in 1920 for permanent residence, but returned to Italy about 6 months later and remained there until 1926, when he returned to the United States under an assumed name, with documents obtained fraudulently. He has remained in the United States continuously since 1926 except for a visit to Italy in 1938 and a 1-day visit to Canada in 1946.

On October 20, 1928, the beneficiary filed a petition for naturalization, wherein he claimed residence in the United States from June 21, 1920, up to the date of the petition. He was admitted to United States citizenship on January 21, 1929, but his citizenship was revoked and canceled when he admitted that he had testified falsely relative to his continuous residence in the United States, and also admitted that he had committed perjury. Mr. Mininni has been the subject of deportation proceedings by this Service since a warrant for his arrest was issued May 26, 1941. As a result of a hearing on September 17, 1942, he was found to be subject to deportation as one who entered this country without an unexpired immigration visa, and as one who admitted a crime involving moral turpitude prior to entry, to wit: perjury (two offenses in 1926 and 1928 respectively). He was granted ol ntary departure and the advance exercise of the seventh pro iso. On October 18, 1945, preexamination was authorized.

The beneficiary was preexamined in the United States and departed to Windsor, Canada, about May 28, 1946, to make a formal application for an immigration visa at the American consulate. The American consul refused to issue him a visa, and he returned to the United States the same day. A warrant for his arrest was again issued by this Service on September 23, 1948. He was found deportable as an immigrant not in possession of an immigration visa, and and as one who admits a crime prior to entry (perjury). Voluntary departure, preexamination, and the advance exercise of the seventh proviso were ordered, but on March 31, 1955, the American consulate at Windsor, Canada, advised the beneficiary that he was ineligible to receive an immigrant visa in view of section 212 (a) (19) of the Immigration and Nationality Act, which provides that any alien who seeks to procure or has sought to procure or has procured a visa or other document or seeks to enter the United States by fraud or by willfully misrepresenting a material fact shall be ineligible to receive a visa and shall be excluded from admission into the United States.

Mr. Mininni served in the Italian Army from January 1913 to January 1914 and from October 1915 to August 1919. He has never served in the Armed Forces of the United States.

Mr. Lesinski, the author of H. R. 5772, appeared before a subcommittee of the Committee on the Judiciary and recommended the

favorable consideration of his bill. Mr. Lesinski also submitted the following letter in support of this legislation:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 21, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House Office Building, Washington, D. C.

MY DEAR MR. CELLER: Enclosed is a copy of H. R. 5772, a bill that I have introduced for the relief of Eugenio Mininni (Minnini).

Mr. Mininni's last entry into the United States was at Detroit, Mich., on May 28, 1946, and he was readmitted as a returning resident.

He is 60 years of age, and he is a native and citizen of Italy. His address is at 6615 Yinger Street, Dearborn, Mich. His wife resides in Italy. He has 4 children by marriage who are now adults, and 1 son now lives in the United States and is a citizen of the United States.

There is urgency in the committee requesting departmental reports inasmuch as Mr. Mininni has until April 25, 1955, within which to depart voluntarily from the United States.

Mr. Mininni has been granted voluntary departure from the United States, with the additional privilege of preexamination. He has also been granted the benefit of the seventh proviso to section 3 of the Immigration Act of February 5, 1917, to authorize his readmission into the United States notwithstanding his admission of the commission of the crime of perjury in connection with his procurement of an immigration visa and his naturalization as a citizen of the United States. His application for an immigrant visa pending with the American consultate in Windsor, Ontario, Canada, received a ruling by the Department of State in the latter part of March 1955 that under the provisions of section 212 (a) (19) of the Immigration and Nationality Act he was ineligible to receive such visa.

I would appreciate the bill for Eugenio Mininni (Minnini) being docketed at the committee's earliest convenience.

Sincerely yours,

JOHN LESINSKI,
Member of Congress.

Maria Luisa Gama de Sanchez—H. R. 6423, by Mr. Holifield

As introduced, H. R. 6423 was designed to grant the status of permanent residence in the United States to the beneficiary, Maria Luisa Gama de Sanchez, and to her husband and their four Mexican-born children, but the committee is of the opinion that legislation in their behalf is unnecessary in view of the fact that they can return to Mexico and secure immigrant visas for entry into the United States for permanent residence. The beneficiary of this resolution, however, appears to be ineligible to receive a visa to enter the United States in view of the fact that she obtained a visitor's visa to enter this country in 1952 by making false statements under oath, and this legislation is designed to waive the provisions of law which would bar her readmission to this country.

Certain pertinent facts in this case are contained in a letter dated July 27, 1955, from the Commissioner of Immigration and Naturali-

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zation to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 27, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6423) for the relief of Juan Jose Sanchez-Villegas, his wife, Maria Luisa Gama de Sanchez, and their children, Juan Jose Sanchez-Gama, Oscar Fernando Sanchez-Gama, Maria Luisa Sanchez-Gama, and Ruth Sanchez-Gama, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would grant the aliens the status of permanent residents of the United States upon payment of the required visa fees.

It appears that the beneficiaries are eligible to nonquota status and, if otherwise qualified, are able to obtain nonquota immigrant visas.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JUAN JOSE SANCHEZ-VILLEGAS, MARIA LUISA GAMA DE SANCHEZ, JUAN JOSE SANCHEZ-GAMA, OSCAR FERNANDO SANCHEZ-GAMA, MARIA LUISA SANCHEZ-GAMA, AND RUTH SANCHEZ-GAMA, BENEFICIARIES OF H. R. 6423

The beneficiaries, Juan Jose Sanchez, also known as Julio Alvarez, born May 13, 1919, his wife, Maria Luisa Gama de Sanchez, born August 2, 1920, their son Juan Jose, born June 9, 1940, their son Oscar Fernando, born February 8, 1944, their daughter Maria Luisa, born January 20, 1949, and their daughter Ruth, born December 14, 1946, were all born in Mexico and are citizens of Mexico. Mr. and Mrs. Sanchez-Villegas were married August 28, 1939, in Mexico. They have four other children, Marta and Rosalinda, born November 19, 1952, and Margarita and Magdalena, born June 28, 1954. The four youngest children were born in Los Angeles, Calif., and are citizens of the United States. All the family now reside in Los Angeles, Calif., and are dependent for support upon the earnings of the male adult beneficiary. He is employed as a construction laborer and earns an approximate annual salary of $4,000. The family owns no assets other than personal effects. Mr. and Mrs. Sanchez-Villegas completed their elementary education in Mexico. Their school-age children attend elementary school in Los Angeles, Calif.

Immediate relatives of Mr. Sanchez-Villegas include his mother, 3 brothers, and 2 sisters, all of whom reside in

Mexico and are citizens of Mexico. Both parents of Mrs. Gama de Sanchez reside in Mexico and are citizens of Mexico.

Mr. Sanchez-Villegas first entered the United States on November 21, 1950, by means of a surreptitious crossing of the International Border near San Ysidro, Calif. He was arrested by this Service the following day and permitted to depart voluntarily to Mexico on December 1, 1950. He reentered the United States on December 15, 1950, under circumstances similar to his first entry, and shortly thereafter assumed the identity of Julio Alvarez. The last and only entry of Mrs. Gama de Sanchez and their four alien children occurred on February 16, 1952, at Nogales, Ariz. At that time all were admitted to the United States as visitors for a period of 3 months. They subsequently applied for and received extensions of their temporary visit until November 15, 1952. Deportation proceedings were commenced on February 5, 1954, and, after hearing, the beneficiaries were found to be subject to deportation on the ground that at the time of entry they were immigrant aliens who were not in possession of proper documents. The adult beneficiaries were ordered deported from the United States and their alien children were granted the privilege of voluntary departure in lieu of deportation.

The committee also received the following additional information with reference to this case from the Commissioner of Immigration and Naturalization:

> In connection with the circumstances surrounding the entry of Mrs. Gama de Sanchez and the minor beneficiaries, it was found during an investigation conducted by this Service that she obtained a nonimmigrant visa in February 1952, ostensibly to visit her sister in Los Angeles, Calif. On her application for that document she averred that her husband, the male adult beneficiary, was then living in Guadalajara, Mexico. She and her four children were admitted to the United States for a temporary visit of 3 months. On May 12, 1952, and again on August 11, 1952, at Los Angeles, Calif., Mrs. Gama de Sanchez made applications for extension of her temporary visit in the United States. Both applications were made under oath and contained the information that she was supported by her husband who was still residing in Guadalajara, Mexico. Subsequent investigation disclosed that her husband was actually residing unlawfully in Los Angeles, Calif., in February 1952, that Mrs. Gama de Sanchez was in communication with him in that city, and that during all of her residence in the United States after admission she and the children lived with him in his home instead of with her sister as represented. The apprehension of the family was accomplished after considerable investigation on the part of the Los Angeles, Calif., and Nogales, Ariz., offices of this Service.
>
> None of the beneficiaries have complied with the provisions of the Immigration and Nationality Act of 1952

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relating to reporting of current addresses during January of each year beginning in 1953.

From the above information it appears that Mrs. Gama de Sanchez, as well as her husband and family, may be ineligible for voluntary departure because of their failure to register as required by the Immigration and Nationality Act. However, the committee is of the opinion that even though they effect their own deportation by departing under order of deportation, an administrative remedy is still available in view of the fact that the Attorney General has the authority to grant them permission to reenter the United States after deportation.

Mr. Holifield, the author of H. R. 6423, appeared before a subcommittee of the committee and recommended the enactment of this legislation. Mr. Holifield also submitted the following letters and statements in support of this legislation:

LAW OFFICES OF JOHN F. SHEFFIELD,
Los Angeles, Calif., June 3, 1955.

Re bill for the relief of Juan Jose Sanchez-Villegas, Maria Luisa Gama de Sanchez, Juan Jose Sanchez-Gama, Oscar Fernando Sanchez-Gama, Maria Luisa Sanchez-Gama, Ruth Sanchez-Gama

Hon. CHET HOLIFIELD,
House of Representatives,
Washington, D. C.

DEAR MR. HOLIFIELD: For the convenience of yourself and members of the Committee on the Judiciary who are considering the merits of the above-named bill, I hereby submit the following summary:

Juan Jose Sanchez-Villegas, his wife and 4 children named above are citizens of Mexico presently residing in Los Angeles, Calif., with their 4 younger children who are citizens of the United States and whose birth certificates have previously been submitted to you. The wife, Maria Luisa Gama de Sanchez, also has two sisters who are legally residing in Los Angeles, Calif.

Mr. Sanchez last entered the United States about December 15, 1950, at San Ysidro, Calif., without inspection by immigration authorities and has therefore been ordered deported from the United States.

Mrs. Sanchez last entered the United States at Nogales, Ariz., on February 16, 1952, as a temporary visitor, along with the four children above named. She is alleged to have stated on her application for a visitor's permit and later on her application for extension of temporary stay, that her husband was residing in Mexico, whereas actually he was living in the United States. On this basis, she has also been ordered deported from the United States. The four children have been granted the privilege of voluntary departure.

Under the circumstances, both the adults are ineligible to apply for immigrant visas for permanent residence in the United States. Unless this bill can be enacted to remedy their situation, they will be faced with the decision of leaving their four children who are citizens of the United States here with relatives who will be unable to give them the same care and affection as they would receive from their parents, or of taking them to Mexico where they will grow up deprived of an American education as well as their other birthrights as Ameri-

can citizens and completely ignorant of the ways, customs, and people of the land of their birth.

Mr. Sanchez is permanently employed, has always supported his family by his own earnings, and has never at any time requested or accepted charitable aid. All of the children of school age are attending a private Catholic school, where they have a commendable scholastic standing. Various letters of reference and recommendation have been submitted to you previously, indicating both these parents to be persons of good moral character, devoted to their family, and a credit to the community in which they reside. A detailed letter from their parish priest is attached hereto.

In view of the extreme hardship which would devolve upon the four minor American citizen children if this bill were not enacted enabling Juan Jose Sanchez-Villegas and his wife and children above named to establish their legal residence in the United States, it is sincerely urged that the members of the committee consider carefully all the facts in this case and arrive at a favorable decision.

Yours very truly,

JOHN F. SHEFFIELD.

ST. JOSEPH'S CHURCH,
Los Angeles, Calif. June 2, 1955.

To Whom It May Concern:

I have known Juan Jose Sanchez and his wife, Maria Luisa, and their children for almost 3 years, due to the fact that the children have been enrolled in St. Joseph's School. Mr. Sanchez has impressed me as a conscientious, hard-working man, greatly devoted to his wife and children. He is a man of very good moral habits; he enjoys the respect and esteem of his friends and employers. He is genuinely sincere in his desire to become a citizen of the United States so that his family will enjoy the benefits of citizenship. I am sure that he has never been associated in any way whatever with any kind of subversive organization or activity, and I know that he has tried to avoid becoming in any way a burden on the country which he hopes to make his own.

Mrs. Sanchez is a woman of high standards in her home and family life. She has a large family and is greatly devoted to their welfare. Her home is neat and well kept, the children are well behaved and clean. Except for times of illness, the children have been very faithful in attending school. Mrs. Sanchez has told me several times that she brought the children to the United States because she wanted them to have the benefits of education which would not be possible in their own country. The three older children are good students. The eldest, Juan Hose, Jr., is quite talented in the field of radio and gives promise of a good future in this field. The four youngest children were born here in California and so are citizens of the United States.

I would like to recommend that Mr. and Mrs. Sanchez and their children be permitted to remain in the United States and that they be given the opportunity to become citizens as soon as possible. This is a deserving family and will, I am sure, be a credit to the land of their adoption.

REV. OLIVER LYNCH, O. F. M.,
Pastor.

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LAW OFFICE OF JOHN F. SHEFFIELD

LOS ANGELES, CALIF., *May 18, 1955.*

Re Juan Jose Sanchez-Villegas, Maria Luisa Gama de Sanchez, Juan Jose Sanchez-Gama, Oscar Fernando Sanchez-Gama, Maria Luisa Sanchez-Gama, Ruth Sanchez-Gama

Hon. CHET HOLIFIELD,
Member of Congress,
House of Representatives, Washington, D. C.
(Attention of Mr. Harold Lane.)

DEAR SIR: This case involves Juan Jose Sanchez-Villegas and his wife, Maria Luisa Gama de Sanchez, and their four minor children, Juan Jose Sanchez-Gama, Oscar Fernando Sanchez-Gama, Maria Luisa Sanchez-Gama, and Ruth Sanchez-Gama.

Mrs. Sanchez and the four children entered the United States at Nogales, Ariz., on February 16, 1952, as temporary visitors. The husband had previously entered the United States on December 15, 1950, at San Ysidro, Calif. The wife, Maria Luisa Gama de Sanchez, has two sisters who are legal residents of the United States and has no other relatives in Mexico. Her husband, Juan Jose Sanchez, has been in the United States for 5 years. At the time that Mrs. Sanchez entered the United States she is alleged to have stated that her husband was residing in Mexico when in fact he was residing in the United States. Under the prevailing decision of the Board of Immigration Appeals this fact would make her ineligible forever to obtain a valid immigration visa for residence in the United States.

Mr. and Mrs. Sanchez are the parents of four American citizen children. The parents have at all times supported the eight children and have not solicited or received charitable assistance from anybody. The children are attending a private Catholic school and are supported entirely by the earnings of the father, Juan Jose Sanchez Villegas, the adult respondent above named.

This case was heard before the local special inquiry officer and an order of deportation was issued against the parents, and minor children were given voluntary departure. The Board of Immigration Appeals approved the order, and the matter is now final.

The unsurmountable obstacle in this case is that if the parents depart with the children, then the four American citizen children will have no hope of ever residing in the United States with their parents. Under the law, the parents would be forever ineligible to reside in the United States.

There is attached hereto personal identification as required by rule No. 5 of the Rules of Procedure on Private Bills by Committee on the Judiciary.

The oldest child of the above-named parents, Juan Jose Sanchez, Jr., was struck by a truck while he was riding his bicycle and suffered a skull fracture and a concussion of the brain which resulted in hospitalization for a period of time and is presently under the care of a doctor. The doctor states that travel at this time is not advisable. All of this information was furnished to the Immigration Service, but they have been adamant in their attitude and refuse to concede any extensions in this matter at all.

The parish priest, Father Oliver Lynch of the St. Joseph's Church at 218 East 12th Street, Los Angeles 15, Calif., first called my atten-

tion to this matter and speaks highly of the family, as it is indicated in the letter which I have submitted previously to you. There is no criminal record involved in this case, in which moral turpitude is implicated and all of the neighbors and acquaintances of this family speak well of them and are all very anxious to have the status of the family adjusted legally so that they may continue to reside permanently in the United States.

Anything you can do to expedite this matter and assist these people will be greatly appreciated.

Very truly yours,

JOHN F. SHEFFIELD.

AFFIDAVIT OF SUPPORT AND GUARANTY

STATE OF CALIFORNIA,
County of Los Angeles, ss:

Luis Franco and Virginia V. Franco, being first duly sworn, depose and say:

That they reside at 1555 West 22d Place, Los Angeles, Calif.

That he is a naturalized citizen of the United States having received his naturalization certificate on July 11, 1941, at Los Angeles Federal District Court, and his certificate number is 5253601. That Virginia Franco is a legal resident of the United States and there is a form I–550 made out to the Immigration and Naturalization Service.

That Mr. Franco is employed by John R. Davis, contractor at South 3312 Long Beach Avenue, Los Angeles, Calif., at a salary of about $90 per week and that there is a letter from his employer attached. That Mrs. Franco is employed by the Ardens Farm Co. at 2101 South Los Angeles, Calif., and her salary is about $76.40 per week as evidenced by letter from her employment.

That your affiants are the owners of real property for the approximate value of about $18,000 and attached are the tax receipts copies of said property.

That your affiants have personal property in the sum of $2,000 furniture and about $1,000 in personal belongings. That your affiants have a savings account in the Bank of America of $2,007.13 and another one at the Security-First National Bank of Los Angeles for $4,367.50, as evidenced by letters attached herewith.

That they are desirous of making this affidavit of support and guaranty for Juan Jose Sanchez Villegas and family, because they know them to be persons of good moral character, and in that respect agree to hold the United States and any political subdivision thereof harmless by reason of any charitable relief or assistance that may be extended to said applicants if they are permitted to reside permanently in the United States, and they are fully aware of the fact that this is a continuing guaranty, and in the event the applicants require charitable assistance from the Government and such assistance from the Government and such assistance is given and then stopped and for any reason should be continued thereafter, this guaranty is still binding and your affiants understand and comprehends his responsibility.

That your affiants want to help Mr. Juan Jose Sanchez Villegas and his family to secure an immigration visa to reside in the United

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States as they are Mr. and Mrs. Sanchez's uncle and aunt and therefore, know them to be of a serious and responsible nature.

LUIS FRANCO.
VIRGINIA V. FRANCO.

Subscribed and sworn to before me this 13th day of July 1954.

JOHN F. SHEFFIELD,
Notary Public in and for the County of Los Angeles, State of California.

Isidoro Heredia Ruiz—H. R. 7584, by Mr. Lesinski

The beneficiary is a 60-year-old native and citizen of Spain whose wife is a lawfully resident alien residing in the United States. His three adult United States citizen children also reside in this country. He entered the United States in 1920 under an assumed name and remained here until 1932 when he returned to Spain with his family to visit relatives and was refused documents to reenter this country because he had previously entered this country through the fraudulent use of a Spanish passport and a United States visa issued in the name of another person.

The pertinent facts in this case are contained in a letter dated December 6, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 6, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington. D C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7584) for the relief of Isidoro Heredia Ruiz, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich. office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, and authorize the issuance of an immigrant visa to the beneficiary if he is found to be otherwise admissible. It further provides that this waiver shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment. The bill is apparently also intended to waive the provisions of section 212 (a) (19) of the Immigration and Nationality Act which exclude from admission into the United States any alien who has procured a visa or other documentation by fraud, or by willfully misrepresenting a material fact, although no specific reference is made to these provisions in the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ISIDORO HEREDIA RUIZ, BENEFICIARY OF H. R. 7584

Isidoro Heredia Ruiz, who was born on January 2, 1896, is a native and citizen of Spain. He resides in Cordova, Spain, where he is employed as a sweeper in a factory. Mr. Ruiz is married to Dolores Herrera Ruiz, a citizen of Spain, and a legal resident of the United States. The couple have three children all of whom are citizens of the United States and all of whom have reached maturity.

Mr. Ruiz entered the United States under an assumed name about the year 1920 and remained until October 1932, when he and his family went to Spain to visit relatives. After about 2 months in Spain, Mr. Ruiz applied at the United States consulate in Seville, Spain, for documents with which to return to the United States, but was refused a visa by the consulate on the ground that he had previously entered the United States through the fraudulent use of a Spanish passport and a United States visa issued to another person. On May 5, 1935, the beneficiary wrote a letter to the United States consulate in which he offered to pay 1,000 pesetas for the issuance of a visa.

Mrs. Ruiz returned to the United States on May 24, 1950, and was admitted for permanent residence. She presently resides at 9206 Chamberlain Street, Detroit, Mich. Mrs. Ruiz is not employed and is supported by her son, Jose Ruiz. When questioned by an officer of this Service in 1953, Mrs. Ruiz stated that she had written the letter to the United States consulate offering to pay for the issuance of a visa to the beneficiary. However, subsequent investigation has established that the letter was actually written by the beneficiary.

Private bill H. R. 5267, 83d Congress, introduced in the beneficiary's behalf, was not enacted.

Mr. Lesinski, the author of H. R. 7584, appeared before a subcommittee of the Committee on the Judiciary and recommended the favorable consideration of his measure.

Mr. Lesinski also supplied the committee with the following letters and statements in support of his bill:

INTERNATIONAL INSTITUTE OF METROPOLITAN DETROIT, INC.,
Detroit, Mich., February 26, 1951.

Re Ruiz, Isidoro Heredia, Calatrava 3, Belmez, Cordova, Spain, and his United States resident family: Wife, Dolores nee Herrera; son, Jose, aged 26; daughter, Cirila, aged 21; daughter, Eugenia, aged 19.

Congressman JOHN LESINSKI,
Washington, D. C.

DEAR MR. LESINSKI: This is a request that you introduce a private bill so that 55-year-old Isidoro Ruiz may join his wife, Dolores Herrera, a legal resident of Detroit, Mich., and his native-born children, Jose, Cirila, and Eugenia. In December 1949, Mr. Ruiz was denied the issuance of an immigration visa because of his inadmissibility to the United States. The decision was based upon the

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moral turpitude clause of section 3 of the Immigration Act of 1917, as amended, which states that a person who has admitted the commission of the essential elements constituting an offense involving moral turpitude, namely, perjury, is inadmissible into the United States as an immigrant. This constituted his offense: At the time of his first entry into the United States on the 26th or 27th of October 1920 he presented a visaed passport issued in the name of Alfonso Flores.

It is a serious matter to turn to a public official with your tremendous responsibilities with a personal request. These are critical times with increasing demands on public officials. We gave all this serious thought before the decision was taken to write you. Still it continues to be our belief that the essence of democracy is concern for the welfare of the individual.

An offense involving moral turpitude is grave and we do not intend to minimize it. However, we believe that Mr. Ruiz, in spite of a single lapse, has good moral character. The sum total of all of his actions in the community add up to just that. We are attaching a statement in Spanish with English translation from the mayor of Mr. Ruiz's native village, supporting the claim that Mr. Ruiz's conduct has been good except for this one lapse.

This is the story of Isidoro Ruiz. He was born in Dona Rama, Belmez, province of Cordova, Spain, on January 2, 1895. He was the son of a farmer, Jose Ruiz and Eugenia Heredia. Isidoro was the oldest child in a family of seven children. He began attending parochial school when he was 8 years old. In those days, in this small Spanish village, parents could not keep their children in school regularly as they needed all the help they could get in the fields. Like many another boy, at that time, he had completed all the formal education he was to get when he was 12 years old. People in his village were religious and he, like the other children, attended church regularly. He was an altar boy and was well liked by everybody. When he grew up he and some other young men from the village dreamed about going to the United States, and a group of them began to plan to make the trip together. But military regulations were about to spoil the plans for Isidoro Ruiz when in 1920 the group decided to come to America. When his number had been called by the military authorities he was exempted from active service but in accordance with the regulations he was expected to remain in the town where he had registered until 35 years of age. The group was anxious to sail and Isidoro Ruiz was just as anxious not to be left behind. Somebody got the idea that he should present the passport for visaing that belonged to somebody else, an older man, Alphonso Flores. They all thought the consul would be more likely to issue a visa to an older man. Isidoro Ruiz was not worldly wise. He listened to the foolish advice of others and used the identification papers of one Alphonso Flores. He and the group sailed from Vigo, Spain, on the steamship *Mongolia* on October 7, 1920 and arrived in New York on the 26th or 27th day of October, 1920. Once within the borders of the United States he dropped the name he had assumed and thereafter was known only under his true name.

While in the United States he worked as a coal miner and a machinist. He lived in Pittsburgh, Pa., from the time of his arrival in October 1920 until some time in the year 1922, during which time he

was employed as a coal miner in the Blue Jay mine and as a mechanic by the Carnegie Steel Co. He moved from Pittsburgh to Helen, W. Va., in 1922. There he met Dolores Herrera whom he married on April 14, 1923. In Helen, W. Va., his only son, Jose, was born April 11, 1924. Sometime thereafter they moved to Detroit, Mich., where their two daughters were born, Cirila on June 13, 1929 and Eugenia on November 2, 1930. During the time Mr. Ruiz lived in Detroit, Mich., he was employed as a machinist by the Dodge Motor Co., Wolverine Tool Co., and in the foundry department of the Ford Motor Co., all in the city of Detroit, Mich. The last place of employment in the United States was with the Ford Motor Co. from March 1925 until July 1932.

In 1932 Mr. Ruiz persuaded his wife to take the children and return to Spain. Mrs. Ruiz, too, is a native of Belmez, Cordova, Spain, where she was born February 9, 1902. She had come to the United States in 1913, accompanied by her sisters, Isidora and Madalina and her brothers, Julian, Venturo, and Jose (4 years' service in the United States Army, World War II) to join her father and 2 brothers, Manual and Francisco, who had preceded the family earlier to this country. She was reluctant to return to Spain because her entire family was in this country. Mr. Ruiz, on the other hand, was anxious that his parents and other family members should know his wife and their children. Also, there was family property to be looked after. It is not quite clear but it is believed that Mrs. Ruiz was persuaded to make the trip because she believed they would return to this country after a visit of several months. Mr. Ruiz filed and obtained a Spanish passport issued in his own name. They left the country without any difficulties but evidently without the knowledge they would need a reentry permit if they desired to return to the United States without filing for a new visa. Once the family had returned to Spain and Mr. Ruiz had seen his family, then his anxieties were alleviated. He wanted to return to the United States. Within 2 or 3 months after his stay in Spain he applied for an immigration visa to return. At that time, he was denied the visa and was told explicitly that he could not be given a visa because he had traveled to the United States on a visa issued on the basis of false papers. It was then that Mrs. Ruiz's parents, Pablo and Cirila Herrera, deceased, respectively, April 1, 1943, and October 13, 1945, engaged an attorney, Mr. Pliny Marsh, of Detroit, Mich., to press the case, probably under the seventh proviso, all this without success. It was suggested to the family that once their son was grown up, he would return to his native country and petition for his parents, an immigration visa could be issued also to Mr. Ruiz.

The son, Jose, returned to the United States by plane, entering at New York on January 31, 1948. He at once started action to bring his parents here. The Immigration and Naturalization Service passed favorably on Mr. Jose Ruiz' petition for the issuance of immigration visas to his parents. The elder Ruiz thought too that their visa applications at the American consulate in Seville, Spain, were receiving favorable consideration. As a matter of fact, someone at the consulate told them that they could make their preparations to depart, that their visas would soon be there under the preference quota. They proceeded to sell their property only to be notified after the property had been sold that a visa could not be issued to Mr. Ruiz but one could

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be issued to Mrs. Ruiz. At that point, without the knowledge of her husband, Mrs. Ruiz in her desperation followed the not unusual practice in certain foreign countries. She wrote to the American consul begging to let her husband come, that she would be very grateful and would never forget the favor and in her simple way she offered him a present. Of course this step was of no avail. On the contrary, it was construed by the consulate as an attempt at bribery. Nonetheless, because the family is of good repute, a preference immigration visa was issued to Mrs. Ruiz and she returned to this country accompanied by her two citizen daughters on May 24, 1950. Mrs. Ruiz and her children now reside in Detroit, Mich.

Never at any time during their residence in the United States of America did Isidoro and Dolores Herrera Ruiz ask for public aid of any kind, but on the contrary, from their earnings accumulated a substantial bank account and furnished their home in which they had an equity of more than $1,500 together with furnishings of said home. This home in Detroit, Mich. was turned over to Mrs. Ruiz's parents, Pablo and Cirila Herrera, for their use during the time the Ruizes expected to be in Spain until they would return to the United States. Mr. Ruiz deposited affidavits with the American consulate in Seville, Spain, attesting to his places of work in this country and also police certificates from the city of Detroit under the names Alphonso Flores and Isidoro Ruiz certifying that the Department had no record of such persons ever having been arrested in this city. Mr. Ruiz has been a faithful husband and a true father of his family. When he returned to Spain in 1932, he did not encounter any difficulties with the military authorities, probably his draft exemption in 1920 had been complete. With the one exception he has been a law-abiding citizen in Spain. Good moral character is hardly synonymous with moral excellence. Surely it would seem, with the exception of one lapse some 30 years ago, that Isidoro Ruiz has proven his moral worth. It is our considered opinion that it is hardly likely that it would be to the detriment of the United States if this husband and father would be permitted to join his legally immigrated wife and United States born children in this country. We are enclosing a picture of Mrs. Ruiz and her children taken at International Institute, August 11, 1950.

Mr. Congressman, we have the honor to request that you introduce a private immigration bill so that Isidoro Ruiz may be issued an immigration visa and be admitted to the United States as a permanent resident.

Sincerely yours,

HELEN M. DAY,
Casework Supervisor.

FORD MOTOR CO.,
Dearborn, Mich., June 29, 1953.

Re Isidoro Ruiz

INTERNATIONAL INSTITUTE OF METROPOLITAN DETROIT, INC.,
Detroit, Mich.
(Attention: Mr. Leslie F. Stasny.)

DEAR SIR: In response to your letter dated June 17, 1953, this is to advise that Ysidoro Ruiz has the following record with the Ford Motor Co.:

Hired, March 10, 1925; nationality, Spanish; age, 29; laid off October 22, 1931; rehired, October 27, 1931; laid off, July 28, 1932; address, 8835 Olivet Street, Detroit, Mich.

Mr. Ruiz' record as to workmanship, conduct, and attendance was considered satisfactory.

Trusting the above will be of assistance, we remain,

Very truly yours,

FORD MOTOR CO.,
E. BRUDER.

CITY OF DETROIT,
DEPARTMENT OF POLICE,
Detroit Mich., July 1, 1953.

To Whom It May Concern:

This is to certify that a search of the fingerprint and alphabetical records of this department discloses no arrest, conviction of sentence to imprisonment of Isidoro Ruiz for any offense.

Yours very truly,

EDWIN MORGAN,
Superintendent.

STATE OF MICHIGAN,
County of Wayne ss:

I, Dolores Ruiz, nee Herrera, living at 10295 West Fort St., Detroit, 17, Mich., being duly sworn depose and say:

1. That my name is Dolores Ruiz nee Herrera and that I was born on February 6, 1902, in Belmez, Spain;

2. That I am the wife of Isidoro Ruiz, residing at present at Calatrava 3, Belmez Cordova, Spain;

3. That we were married before a justice of peace in Beckley, W. Va., on April 14, 1923;

4. That out of our marriage three children were born, Jose in Helen, W. Va., on April 11, 1924, Cirila in Detroit, Mich., on June 13, 1929, and Eugenia, on November 2, 1930, in Detroit, Mich.;

5. That the following is known to me from my husband's documents and from my conversations with my husband's parents and relatives;

6. That my husband Isidoro Ruiz was born on January 2, 1896, at Dona Rama, Belmez, Spain, as the oldest son of a farmer in the family of seven children;

7. That my husband planned, together with other young men of the same village, to emigrate to the United States after World War I;

8. That he was exempted from the military service in Spain but that according to the military regulations he was supposed to remain in Spain until he was 35 years of age;

9. That to be able to depart with his friends he followed the ill advice of another man and presented to the American consul a passport of one Alfonso Flores under whose name he was admitted to the United States on October 26 or October 27, 1920;

10. That my husband ceased to use the false name immediately after arriving in the United States and ever since he has been only using his name Isidoro Ruiz;

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11. That my husband worked near Pittsburgh with Mesta Machine Co. in Pennsylvania as a factory worker from October 1920 until about 1921 and then as a coal miner in a mine at Blue Jay, W. Va.;

12. That my husband moved from Blue Jay, W. Va., to Helen, W. Va., in 1922, and that he got acquainted with me there and that we were married there in 1923;

13. That my husband worked as a miner in Helen, W. Va., where our son Jose was born, and afterward moved to Detroit where he was employed as a machinist with Wolverine Tool Co. and from 1925 to 1932 in the foundry department of the Ford Motor Co.;

14. That in 1932 my husband persuaded me to visit Spain with our whole family in order to get acquainted with his parents and relatives;

15. That I took this trip very reluctantly since both my parents and all by brothers and sisters were living in the United States where we had immigrated in 1913;

16. That after 2 or 3 months of our visit in Spain the whole family applied for visas to the United States;

17. That the United States consul was willing to issue a visa to me and to our children but he denied a visa to my husband since he had traveled to the United States on the basis of false papers in 1920;

18. That my parents employed an attorney at that time in Detroit, Mr. Pliny Marsh, in order to use all available legal means to help my husband return to the United States but without any success;

19. That in view of this we were advised to wait until our son Jose will become of age and he will be able to return to the United States and file a petition on behalf of his parents for issuance of a preference immigration visa;

20. That our son Jose returned to his native country in 1948 and that he immediately submitted his petition on behalf of his parents; and the visa was again denied to my husband in 1950 because of his fraud in 1920;

21. That I, with my two United States citizen daughters, returned to the United States on May 24, 1950;

22. That my husband has always been faithful to me, the best father to our children, and selfless and thrifty head of our family;

23. That aside from the irresponsible act in 1920 he has always been a man with best reputation and character;

24. That I most sincerely desire to be reunited with my husband and that our children desire to be reunited with their father and that I have executed this affidavit with my fervent hope that the United States Congress will permit my husband to return to the United States.

DOLORES RUIZ.

Subscribed and sworn to before me this 17th day of June 1953.

[SEAL] HELEN B. WANZO,
Notary Public, Wayne County, Mich.

My commission expires February 17, 1956.

Jose Rios-Gonzales—H. R. 5124, by Mr. Holifield

The beneficiary is a 33-year-old Mexican who is the husband of a United States citizen. They have two minor children, United States citizens by birth. He was admitted to the United States on three occasions by using names other than his own, and last entered the United States as a visitor in 1949. As introduced, H. R. 5124 pro-

vided for permanent residence in the United States in this case. However, as included in this resolution, the language provides for waivers of the provisions of law which would bar his lawful admission to the United States under the provisions of the general immigration laws.

The pertinent facts in this case are contained in a letter dated June 30, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 30, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5124) for the relief of Jose Rios-Gonzales, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif. office of this Service, which has custody of those files.

The bill would grant the alien the status of a permanent resident of the United States upon payment of the required visa fee.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JOSE RIOS-GONZALES, BENEFICIARY OF H. R. 5124

The beneficiary, Jose Rios-Gonzales, also known as Ramon G. Ledesma, also known as Aurelio Gonzalez-Gonzalez, also known as Jose Mauro Rios-Gonzalez, also known as Jose Manuel Rios-Gonzales, a native and citizen of Mexico, was born on January 15, 1923. He is married to Margaret Hernandez, a native and citizen of the United States. They were married at Los Angeles, Calif., on April 20, 1950. The couple have two children, Rebecca Jane and Eleanore Dianne, born in Los Angeles, Calif., on April 25, 1951, and November 16, 1954, respectively. The beneficiary resides with his wife and children at 110 South Eastman Avenue, Los Angeles, Calif.

Mr. Rios-Gonzales attended elementary school and 2 years of high school in Mexico. He is employed as a painter by a Lincoln-Mercury automobile agency in Los Angeles, Calif. He receives a salary of $6,000 annually. His assets consist of $200 in savings and an automobile valued at $800. He has no relatives residing in the United States other than his wife and children. His parents, a sister, and a brother reside in Mexico.

The beneficiary last entered the United States at San Ysidro, Calif., on October 28, 1949, as a visitor. He did not depart from the United States. Deportation proceedings were commenced in his case on September 2, 1953, and,

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after hearing, he was found deportable. Mr. Rios-Gonzales was admitted to the United States on three previous occasions. On each of these occasions he used names, other than Jose Rios-Gonzales, his true name. The first two admissions occurred at El Paso, Tex., in 1943 and 1944 as an agricultural laborer. Subsequent to his 1944 entry he violated the terms of his admission by accepting employment in other than agricultural work. He voluntarily returned to Mexico in 1946. The beneficiary next entered the United States at San Ysidro, Calif., on March 29, 1947, by falsely claiming to be a citizen of the United States. He enlisted in the United States Army at Los Angeles, Calif., on July 29, 1947, again falsely claiming United States citizenship. Deportation proceedings were commenced in his case on September 18, 1947. On September 25, 1947, he plead guilty to a criminal complaint filed in the United States district court, San Antonio, Tex., for falsely claiming to be a United States citizen. He received a suspended sentence of 30 days imprisonment. The beneficiary was found deportable, and upon his discharge from the United States Army, was deported to Mexico on October 30, 1947.

Mr. Holifield, the author of H. R. 5124, appeared before a subcommitted of the Committee on the Judiciary and recommended the favorable consideration of his bill. Mr. Holifield also supplied the committee with numerous letters and statements in support of this legislation, which read, in part, as follows:

LAW OFFICE OF JOHN F. SHEFFIELD,
Los Angeles, Calif., June 3, 1955.

Re H. R. 5124, for the relief of Jose Rios-Gonzalez

Hon. CHET HOLIFIELD,
Member of Congress,
New House Office Building,
Washington, D. C.

DEAR MR. HOLIFIELD: For the convenience of yourself and members of the Committee on the Judiciary who are considering the merits of the above-named bill, may I submit the following summary:

Jose Rios-Gonzalez is a citizen of Mexico, 32 years of age, presently residing in Los Angeles, Calif., with his American wife and their two American citizen children. Attached hereto are copies of the marriage certificate, baptism certificate of the wife, and birth certificates of the children. Mr. Rios last entered the United States October 28, 1949, at San Ysidro, Calif., with a temporary visitor's visa; after his arrival here he decided not to return to Mexico and his residence status here at the present time is illegal.

In October 1947, after having served honorably with the Army of the United States for a few months, Mr. Rios pleaded guilty to the charge of having falsely claimed to be an American citizen. He was sentenced to 30 days in jail, which sentence was suspended and he was deported from the United States. For that reason he has been denied the privilege of reapplying for admission to the United States and has been ordered deported again because of his present illegal status. In view of the deportations ordered against him, and the

denial of his request for permission to reapply for admission, he is ineligible to apply for an immigrant visa.

The establishment of Mr. Rios' permanent residence in the United States is vital to the welfare of his family, and the only recourse available to adjust his status is enactment of this private bill in his behalf. The wife and two minor children of Mr. Rios, all citizens of the United States, are completely dependent upon him for support and if he is excluded permanently from the United States, not only will this family be left without the care and affection of a devoted husband and father, but there is also a strong possibility that they might have to become recipients of charity if Mr. Rios were unable to earn sufficient money in Mexico to support them.

Mr. Rios is held in highest regard by all who know him and has never had any criminal record anywhere except for the instance referred to above. The mistakes he has made in the past which led to his present dilemma have all been the result of his desire to live in the United States and to show his attachment to the ideals of this country by serving in our Armed Forces.

He is permanently employed as an auto painter and has accumulated real and personal property of a total value of approximately $11,500. Various substantiating documents and letters of recommendation have been submitted to you previously and additional copies are attached hereto.

You will also find herewith a statement by Mrs. Rios indicating the urgent need of herself and the children to have Mr. Rios remain with them as a legal resident of the United States.

In view of the facts presented in this case, it is evident that there is a compelling reason for Jose Rios-Gonzalez to reside in the United States and that the only method of establishing his legal residence is the enactment of this bill. It is therefore sincerely hoped that the members of the committee will see fit to arrive at a favorable decision in this matter.

Yours very truly,

JOHN F. SHEFFIELD.

OUR LADY OF LOURDES CHURCH,
Los Angeles, Calif., June 6, 1955.

To Whom It May Concern:

This is to certify to the best of my knowledge Jose Rios is a man of good character and reputation.

He has been resident in this parish for the past 4 years and attends mass at this church.

Anything that can be done to facilitate his acquisition of American citizenship will be greatly appreciated.

Sincerely yours,

[SEAL] Rev. LAWRENCE SPENCER, O. S. B., *Pastor.*

LOS ANGELES, CALIF., *March 24, 1955.*

To Whom It May Concern:

This is to certify that I have known Jose G. Rios, who resides at 110 South Eastman Avenue, Los Angeles, Calif., since April 1950

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when he married his present wife, Margaret Hernandez Rios, whom I have known since 1947.

Ever since I have known him, I have visited with them and met with them at least once a month and throughout this time Jose G. Rios has always appeared to me to be of a good moral character and honest and worthy person to be associated with.

I have always found him to be friendly and fair in his dealings with other persons, and I do not hesitate to let it be known that I consider him a very good friend of mine.

Sincerely,

HENRY C. YBARRA,
Public Accountant.

LOS ANGELES, CALIF., *June 3, 1955.*

Re H. R. 5124, a bill for the relief of Jose Rios-Gonzalez.

Hon. CHET HOLIFIELD,
Member of Congress,
New House Office Building,
Washington, D. C.

DEAR MR. HOLIFIELD: I would like to make this statement to you and the members of the Committee on the Judiciary in connection with the private bill which you introduced in behalf of my husband, Jose Rios-Gonzalez.

As you know, I am a natural-born citizen of the United States and Jose and I were married 5 years ago, in April 1950, in Los Angeles, Calif. We have 2 children born in Los Angeles, one 4 years of age and the other 6 months old. The three of us are entirely dependent upon my husband for support. He has always been a wonderful husband and father and has worked hard to provide for us. If he were to be forced to leave the United States forever, the lives of all of us would be adversely affected to an extent which I do not dare imagine.

Jose has made many friends in the United States and everyone who has come to know him—through business or social contacts—agrees that he is a man worthy of the privilege of living in the United States with his family, and I can assure you that if he is granted that opportunity he will never give anyone cause to regret the decision. We want desperately to keep our family together and to have our children grow up in the United States. We will be forever grateful if this bill is passed. Thank you.

Yours sincerely,

MARGARET H. RIOS.

Lucy Manus Daley—H. R. 6988, by Mr. Lesinski

The beneficiary is a 31-year-old native of Rumania who is a naturalized citizen of Canada. She is the wife of a United States citizen and has been refused a visa to enter the United States for permanent residence because she entered the United States in 1952 claiming to be a United States citizen and executing an oath as a returning citizen, and because she was subsequently deported to Canada in 1954.

The pertinent facts in her case are contained in a letter dated December 6, 1955, from the Commissioner of Immigration and

Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., December 6, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6988) for the relief of Lucy Manus Daley, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the provisions of the Immigration and Nationality Act, which exclude from admission persons who have been convicted of or admit the commission of a crime involving moral turpitude and who have procured a visa or other documentation by fraud or by willful misrepresentation of a material fact. It would further provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LUCY MANUS DALEY, BENEFICIARY OF H. R. 6988

Lucy Manus Daley, a native of Rumania and a naturalized citizen of Canada, was born on August 30, 1924. Since March 25, 1955, she has been married to Kenneth Carl Daley, a citizen of the United States, and expects the birth of a child in December. Mrs. Daley was previously married in 1942 to Stanley Arthur Ridout, a citizen of Canada, but this marriage was terminated by divorce on October 13, 1954. One child, now age 12 years, was born as a result of the beneficiary's first marriage, and this child is in the custody of the father. The beneficiary and Kenneth Carl Daley were first married on November 29, 1952, at Bowling Green, Ohio, and have lived together since that time. However, this marriage was not valid as at the time the ceremony was performed, the beneficiary's marriage to Mr. Ridout had not been legally terminated.

The beneficiary resides with her husband in Roseland, Ontario, Canada. She is not employed and is supported by her husband. Mr. Daley is employed as a laborer by the city of Dearborn, Mich., and earns approximately $60 each week.

Mrs. Daley last entered the United States at Detroit, Mich. A warrant for her arrest was issued by this Service on July 13, 1953, charging that at the time of her entry she was an immigrant not in possession of a valid immigrant visa or other

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entry document. She was accorded a hearing on July 28, 1953, and ordered deported from the United States. On January 12, 1954, Mrs. Daley was deported to Canada.

Mrs. Daley has testified that she resided continuously in the United States from November 1952 until her deportation in January 1954, with the exception of short visits to Canada. She had never been admitted to the United States for permanent residence. On December 12, 1952, when applying for entry into the United States, the beneficiary fraudulently claimed birth and citizenship in the United States and executed a form entitled "Oath of Returning Citizen." She has testified that she was aware at that time that she was born in Rumania and was a citizen of Canada, but because of her fear that she would be returned to Canada, she made a false claim to United States citizenship.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below.

DEPARTMENT OF STATE,
Washington, August 16, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of July 18, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Lucy Manus Daley, beneficiary of H. R. 6988, 84th Congress, 1st session.

Information contained in the files of the Department reveals that Mrs. Daley was found ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act because she admitted the commission of the essential elements constituting a crime involving moral turpitude, namely, perjury. As the crime of perjury has been defined as a felony, Mrs. Daley would not be eligible for the relief provided for in section 4 of Public Law 770, 83d Congress, 2d session.

The crime of perjury which Mrs. Daley has admitted committing, was in connection with her false claim to American citizenship. As this false claim to American citizenship related to a material fact, her case might also come within the excluding provisions of section 212 (a) (19) of the act.

At this time the Department has no knowledge of any factor in Mrs. Daley's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLAND WELCH,
Director, Visa Office.

Mr. Lesinski, who appeared before a subcommittee of the Committee on the Judiciary in support of H. R. 6988, also submitted the following letters in support of his bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 12, 1956.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration,
Committee on the Judiciary, Washington, D. C.

DEAR MR. CHAIRMAN: I am referring to H. R. 6988, a bill I have introduced for the relief of Lucy Manus Daley, and respectfully request that the committee schedule this bill for early action.

I realize that the committee has a very heavy workload and is processing the private immigration cases as rapidly as possible. However, I believe that a review of this case will convince you that it merits early and favorable consideration.

The departmental reports on Mrs. Daley have been submitted and I have in letters dated June 25 and December 13, 1955, and February 14, 1956, written to the committee giving background information. In brief, the facts are as follows:

Lucy Manus Daley, a native of Rumania and naturalized citizen of Canada, was born on August 30, 1924. She is the wife of Kenneth Daley, a citizen of the United States, a veteran of World War II and the Korean war, and at the present time an employee of the city government of Dearborn, Mich. Mrs. Daley is excludable from the United States under the provisions of the Immigration and Nationality Act in that she made false claim to American citizenship in December 1952, when reentering the United States from Canada with Mr. Daley.

Both Mr. and Mrs. Daley have been undergoing considerable mental, physical, and economic hardships since Mrs. Daley's return to Canada in 1954. Since Mr. Daley must be in Dearborn on his job during the week, he can travel to Canada only on weekends to be with his wife. This has entailed a large expense over the last 2 years.

Additionally, Mrs. Daley is not in the best of health and has not been for some time. Forwarded herewith is a letter from her doctor attesting to this fact.

As you can see, there are many appealing and deserving aspects to this case. If the committee is able to take action on it at an early date, both the Daleys and I would be most appreciative.

With best wishes and thanking you for your consideration, I am

Sincerely yours,

JOHN LESINSKI, *Member of Congress.*

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
AMERICAN CONSULATE,
Windsor, Ontario, Canada, May 5, 1955.

Hon. JOHN LESINSKI,
House of Representatives, Washington, D. C.

MY DEAR MR. LESINSKI: I wish to refer to my previous letter of April 27, 1955, concerning the case of Mrs. Lucy Manus Daley in which you were informed that upon the receipt of information regarding her deportation from the United States a report would be made to you.

I am enclosing a copy of a letter dated March 10, 1955, signed by Mr. James W. Butterfield, District Director, of the Immigration and

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Naturalization Service, Department of Justice, at Detroit, addressed to Mr. Kenneth C. Daley, which is believed to be self-explanatory. (Enclosure No. 1.)

Mrs. Lucy Daley is ineligible to receive an immigrant visa on the grounds that she committed perjury. She has been denied permission to reapply for entry into the United States and the consulate would have no alternative other than to refuse her a visa should she make formal application for one.

From various interviews which have taken place at this office it would appear that Mrs. Daley is illiterate inasmuch as she cannot read and cannot write the English language or any other language. From her story it seems that she was born on August 30, 1924, at Vinga, Timis, Rumania and came to Canada at the age of 14 years in 1938. She says she has never had any schooling in Canada or Rumania. She is now a Canadian citizen. Evidently her father is a part-time gardener who now works in the summer only and she has had a minimum of parental guidance, working as a laborer in a canning factory, as a waitress at a roadside stand and as a domestic.

She states that at the age of 17 years she was first married to a pugilist after she discovered she was in a family way. This marriage existed for a number of years, she has a 12 year old son, but she lived separated from her husband for approximately the last 10 years.

In 1952 she met Mr. Kenneth Daley who claims to be a veteran of World War II and the Korean war and despite the fact that she had not as yet obtained her divorce they went through a marriage ceremony at Bowling Green, Ohio, on November 29, 1952. It would seem that Mr. Daley was aware of the fact that she was already married but his family was not, and as she was again expecting a child, they went through this ceremony and commenced living together as man and wife in Dearborn, Mich. They made a visit to Canada and upon their return on December 12, 1952, she was stopped at the Ambassador Bridge and at this time evidently signed a statement that she was a returning American citizen. She was allowed to proceed and as a result of an investigation which was later conducted by the Immigration and Naturalization Service, she was ordered deported and left the United States on January 12, 1954.

During the interviews which have taken place, it was thought that Mrs. Daley was extremely nervous and excitable. It has been discovered that she has on two occasions undergone surgery for a thyroid condition in 1947 and 1950, see the attached report from Dr. Benjamin Luborsky dated April 30, 1955 (enclosure No. 2). This condition has evidently not been fully corrected as the attached statement of a recent physical examination made by Dr. Irvin Strathman dated May 3, 1955, shows (enclosure No. 4).

The interviewing officer has reached the conclusion that Mrs. Daley may have committed the action of perjury partly due to her physical condition, she was pregnant; she has had no formal education; and she feared separation from Mr. Daley. An attached report shows that she was in a hospital in Detroit in April 1953, at which time she lost her unborn baby (enclosure No. 4).

Since her return to Canada, Lucy Manus Daley has obtained a divorce from her first husband and she and Kenneth Daley have been legally married in Canada within the past 2 months.

I am enclosing for your information a letter written by Mr. Kenneth Daley dated May 3, 1955, in which he gives his story of his difficulties (enclosure No. 5). I believe you will agree, that Mr. Daley feels very much aggrieved over their situation, and, that there is nothing this office can appropriately do to assist her in obtaining admission to the United States.

Very truly yours,

NELSON P. MEEKS, *American Consul.*

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Detroit, Mich., March 10, 1955.

Mr. KENNETH C. DALY,
Roseland, Ontario, Canada.

DEAR MR. DALY: Reference is made to your letter of February 8, 1955, addressed to President Eisenhower concerning your wife's application for permission to reenter the United States for permanent residence. Your letter has been referred by the White House to this Office for appropriate attention.

This Office has again thoroughly reviewed your wife's case and we regret to advise you that we are unable to come to any conclusion other than that which has already been reached. As you know, this Office denied your wife's application for permission to reapply on July 28, 1954, and the decision of this Office was affirmed by our Central Office in Washington on October 7, 1954.

In the notice from this Office that her application was denied, your wife was informed that the reason for the denial was that she had failed to establish eligibility after her arrest and deportation. The basis for this statement was the fact that your wife's actions on December 12, 1952, in executing a form entitled "Oath of Returning Citizen" knowing that she was at that time a citizen of Canada constituted the elements of the crime of perjury. Under the circumstances, Mrs. Daly is mandatorily excludable from the United States under section 212 (a) (9) of the Immigration and Nationality Act. Accordingly, even if permission to reapply for admission into the United States were granted, your wife would still be inadmissible to this country under the aforementioned section of law. In the absence of any new legislation, therefore, it appears that your wife will not be permitted to return to the United States for permanent residence.

We repeat that we sincerely regret that the facts in Mrs. Daly's case are such that this Office cannot comply with the sincere and sympathetic request in your letter.

Very sincerely yours,

JAMES W. BUTTERFIELD,
District Director.

WINDSOR, ONTARIO, *April 30, 1955.*

Re Lucy Daley.

This is to certify that the above patient was in hospital in September 1947 (at Hotel Dieu), at which time she had a thyroidectomy performed by the late Dr. L. G. McCabe. She was again in Grace Hospital in November 1950, for a second thyroidectomy performed

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by Dr. Wigle. In the interval, she had been under severe emotional distress. In November 1952, she was again admitted to Grace Hospital for hyperemesis gravidarum—early pregnancy. She was readmitted in December of 1952 for the same condition, obviously originating from severe emotional stress.

She was not seen again till recently.

B. LUBORSKY, M. D.

WINDSOR, ONTARIO, *May 3, 1955.*

Re Mrs. Lucy Daley, age 30.

To Whom It May Concern:

This woman is under my care for pregnancy and she is now 2 months pregnant. She has a history of thyroidectomy in 1947 and 1950 and she is now having some overactivity of the thyroid gland. Her B. M. R. is plus 32. She is receiving medication for this condition. Except for her thyroid condition, her general physical condition is good and she has normal heart, lung, and kidney function. A routine Wassermann done on April 28, 1955, was negative.

I. STRATHMAN, M. D.

DETROIT, MICH., *April 29, 1955.*

Re Mrs. Lucy Daley.

To Whom It May Concern:

Mrs. Lucy Daley was a patient in this office from February 1953 until October 1953 for prenatal care.

It was necessary to hospitalize Mrs. Daley from April the 8th through the 11th of 1953. On April 9 she had some minor surgery.

She was confined to her home for approximately 10 days after leaving the hospital.

Our last contact with Mrs. Daley was in October 1953 at which time she was in a normal physical condition.

Sincerely yours,

JOHN L. KITZMILLER, M. D.

ROSELAND, ONTARIO, *May 3, 1955.*

DEAR SIR: I'm Kenneth C. Daley. I've been in the United States Marines for 8 years, 3 months. I was sent home in February 1952 to await discharge from United States Naval Hospital, Camp Le Jeune, N. C. Was downtown one day and met Lucy K. Manus, went together and went to Bowling Green, Ohio, and were married. I took it for granted her being a Canadian citizen and me an American automatically made her a citizen, for when I was stationed in Cuba and Japan, my buddies married girls and they came into the States with no trouble. Now I know they were considered war brides. I did not realize that, to make a long story short, it's cost me $25 already, but around December 20, 1952, we were coming back from Canada via the Ambassador Bridge and we were stopped for questions and the officer told me to pull over and took Lucy into the office and told me I had to wait in the car, well all in all she signed this affidavit, swearing she was a returning citizen and that is what they are holding over her

head. Now listen to me, I fought in World War II and also in the Korean war in the USMC, and I'm a proud and real American. I'm 32 years old. Check my record. I've never been in jail in service or as a civilian, and my wife is a good woman, she was just recently released from the hospital and did not know or realize what she was signing, she was emotionally upset and was afraid she would be taken away from me. The following April we lost our baby, and in January 1954 she was deported back to Canada, I work for the city of Dearborn, and they have given me special permission to live here with my wife; the expense is getting me down, with gas and bridge fare.

I fought for my country, against the Commies, and when I see and read about their open meetings and they get away with it. My wife is good, I can get you 300 names from fellow workers from the city of Dearborn who have met her and think and know she is a fine girl. Do we have to suffer for this the rest of our lives; deserters in the Army got a little sentence and are still living in the States. I know she did wrong by signing the affidavit, but realize this, she was in a pregnant state at the time and did not and cannot read or write, and the fear of losing her husband which is me, you must understand she was under terrific strain and proving it lost our baby the following April. Please whatever you do for us please do, for the United States is my country and I want my wife there with me to have a family and live like normal human beings.

I hope for our fast entrance.

KENNETH C. DALEY.

Miguel Flores Castro—H. R. 5288, by Mr. Kilgore

The beneficiary is a 34-year-old native and citizen of Mexico, whose wife and three children are citizens of the United States. He was admitted to the United States in 1929 and resided in this country until 1953 when he was deported on the ground that he had knowingly and for gain aided another alien to enter the United States in violation of law.

The pertinent facts in this case are contained in a letter dated May 31, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 31, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5288) for the relief of Miguel Flores Castro, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Antonio, Tex., office of this Service, which has custody of these files.

The bill would authorize the beneficiary's admission to the United States for permanent residence notwithstanding the excluding provisions of section 212 (a) (17) and (31) of the Immigration and Nationality Act relating to aliens who have been arrested and deported

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and who have not received consent from the Attorney General to reapply; and to those aliens who knowingly and for gain attempted to bring other aliens into the United States in violation of law, if he is found to be otherwise admissible under the provisions of that act. It would also provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING MIGUEL FLORES CASTRO, BENEFICIARY OF H. R. 5288

The beneficiary, Miguel Flores Castro (Mike Flores), was born on January 1, 1922, at Chihuahua, Chihuahua, Mexico, and he is a citizen of Mexico. He is married to Evangelina Villarreal de Flores, a citizen of the United States, and he has three children who are citizens of the United States, namely: Miguel, Jr., age 9, Rogelio, age 8, and Armando, age 4. He resides with his family at 344 Concho Street, Eagle Pass, Tex.

He last entered the United States at Eagle Pass, Tex., on April 18, 1955, as an agricultural laborer, and is employed on the farm of Homer I. Lewis near Eagle Pass, Tex., where he has been employed since July 22, 1954, and earns approximately $25 per week. He received no formal education, but was given private instruction by a tutor for about 5 years.

He receives no income other than his salary, and it is necessary for his wife to work to help support the family, and her average weekly wage is $41. He owns real estate and personal property in Eagle Pass, Tex., valued at approximately $8,000 on which he owes a balance of about $2,000. His parents, two brothers and a sister are residents of the United States, and his father, who is blind, is partially dependent upon him for support.

The beneficiary was admitted to the United States for permanent residence at Eagle Pass, Tex., on May 2, 1929. He resided in the United States until June 27, 1953, when he was deported on the ground that he had knowingly and for gain, encouraged, induced, assisted, abetted or aided another alien to enter or try to enter the United States in violation of law, and he is now inadmissible to the United States for the same reason. His application for permission to reapply for admission into the United States after deportation was denied.

The Director of the Visa Office, Department of State, submitted a report on this case, as follows:

DEPARTMENT OF STATE,
Washington, August 2, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of April 6, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Miguel Flores Castro, beneficiary of H. R. 5288, 84th Congress, 1st session.

Requests for a report in this case directed to the appropriate consular offices in Mexico have met with negative results. However, it was pointed out that the Immigration and Naturalization Service, Department of Justice, has the complete facts in this case. It is therefore suggested that the committee may desire to communicate with the Immigration and Naturalization Service in order to obtain a report of the facts so as to be able to give proper consideration to the pending bill.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Kilgore, in his testimony before a subcommittee of the Committee on the Judiciary with reference to his bill, H. R. 5288, stressed the hardship which would be caused Mr. Castro's family if legislation in his behalf were not favorably considered, and the fact that the beneficiary has resided in the United States legally from 1929 to 1953.

Mr. Kilgore also submitted the following memorandum in support of his bill:

SUBSTANTIATING FACTS REQUIRED BY THE RULES OF PROCEDURE OF SUBCOMMITTEE NO. 1 TO THE COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, IN SUPPORT OF H. R. 5288, FOR THE RELIEF OF MIGUEL FLORES CASTRO

Deported from the United States at Eagle Pass, Tex., on June 27, 1953. Last entered the United States through Eagle Pass, Tex., on June 24, 1950. Previously admitted for permanent residence at Eagle Pass on May 2, 1929. He had continuously resided in this country for 24 years and has a United States citizen wife and three United States citizen minor children. Deported on June 27, 1953, for knowingly and for gain, aiding or abetting aliens to enter United States in violation of law, within 5 years of the date of his last entry. On June 29, 1953, he made application for permission to reapply for admission into the United States after deportation. This application was denied and his subsequent appeal was dismissed.

At present Mr. Castro is physically in the United States as a Bracero. His alien laborer's card number is L986771, and he was admitted on July 22, 1954, through Eagle Pass, Tex. Mr. Castro is 33 years old, born in Chihuahua, Mexico, on January 1, 1922. His address in the United States is 344 Concho Street, Eagle Pass, Tex. This is also the address of his wife and children, his nearest relatives.

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Prior to this, he was indicted on October 3, 1950, in the United States District Court for the Western District of Texas at Del Rio for violating 8 United States Code 144. On October 23, 1950, he was discharged of liability, after a jury verdict had been returned of not guilty.

Mr. Flores Castro has maintained a home in Eagle Pass for his wife and children, who depend entirely upon him for support. In addition he contributed toward the support of his aged parents who are legal residents of the United States. This added burden fell on Mr. Flores Castro as a result of his father's blindness.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 661) should be enacted.

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Calendar No. 2786

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2738

CYRUS B. FOLLMER

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 11207]

The Committee on the Judiciary, to which was referred the bill (H. R. 11207) for the relief of Cyrus B. Follmer, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On page 2, lines 1 and 2, strike the words "in excess of 10 per centum thereof".

PURPOSE

The purpose of the proposed legislation, as amended, is to authorize the Secretary of the Treasury to pay the sum of $4,737 to Cyrus B. Follmer a Foreign Service officer, as compensation for damages suffered by him as a result of the bombing of the American Embassy in Berlin during World War II.

STATEMENT

Mr. Follmer was a member of the American Embassy staff in Berlin at the time of the declaration of war between Germany and the United States in December of 1941. Upon his internment, his household and personal possessions were stored by officials of the Swiss Government in American Embassy property. The building and its contents were completely destroyed by fire in July 1945 after having been severely damaged in aerial bombardments from 1943 to 1945.

Although other members of the Embassy staff were compensated for the losses they suffered under the same circumstances by virtue of

private laws enacted between 1945 and 1950, Mr. Follmer did not submit his claim until the latter part of 1955.

The claim originally submitted by Mr. Follmer to the Claim Board of the Department of State, covering furniture and household effects, was in the amount of $9,391 but, after consideration by the Board and judged by normal depreciation and other appropriate reductions, was recommended to be reduced to $4,737, based on fair and reasonable prices for articles suitable for necessary purposes.

Attached hereto for the information of the Senate is a letter from the Department of State which sets forth in detail the facts concerning this claim.

DEPARTMENT OF STATE,
Washington, D. C., May 9, 1956.

Hon. SAM RAYBURN.
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is transmitted herewith a draft of a bill, the enactment of which is recommended by the Department, requesting an appropriation of $4,737 for the relief of Mr. Cyrus B. Follmer, Potts Grove, Pa., who sustained the loss of household effects at Berlin, Germany, during World War II.

Mr. Follmer, who had served at various other Foreign Service posts for 21 years, was a member of the American Embassy staff and was residing in Berlin with his wife and two children. Immediately upon the declaration of war in December 1941, he and other staff members were interned. Their household and personal possessions were subsequently stored by officials of the Swiss Government in the Embassy building. The building and its contents were completely destroyed by fire in July 1945 after having been severely damaged in aerial bombardments from 1943 to 1945. Approximately 15 other employees' claims for losses sustained in the same circumstance have been settled by private laws enacted by the Congress between 1945 and 1950. The Department was aware of the fact that Mr. Follmer's property was also destroyed, but no claim was submitted by him until the latter part of 1955.

The Claim Board of the Department has carefully considered Mr. Follmer's claim in the amount of $9,391, covering furniture and household effects, and approved for reimbursement an amount of $4,737. In determining the amount approved as settlement of this claim, the Board took into consideration depreciation on the effects from the date of purchase to the date of loss, and appropriate reductions were made on some individual items in accordance with the policy that allowances will be based on fair and reasonable prices for articles suitable for necessary purposes. The amount recommended, therefore, represents fair valuations of destroyed effects which are considered to be reasonable, useful and appropriate for the claimant to have in his possession in his official capacity while in the public service, in the line of duty abroad.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,

JOHN FOSTER DULLES.

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Calendar No. 2787

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2739

PAUL H. SARVIS, SR.

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3062]

The Committee on the Judiciary, to which was referred the bill (H. R. 3062) for the relief of Paul H. Sarvis, Sr., having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. On page 2, line 2, beginning with "1953;" strike out all down through the period on page 2, line 14, and insert in lieu thereof the following:

1953.

SEC. 2. The acceptance of the sum authorized to be paid by the first section of this Act by the said Paul H. Sarvis, Senior, shall constitute a sale by him to the Commodity Credit Corporation of all his right, title and interest in and to such seed; and Paul H. Sarvis, Senior, shall not be liable for any transportation, loading, or warehouse storage charges which may have accrued on or after such date with respect to such 5,000 pounds of seed.

SEC. 3. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

2. Amend the title to read:

For the relief of Paul H. Sarvis, Senior, and for other purposes.

PURPOSES

The purpose of the proposed legislation, as amended, is to pay Paul H. Sarvis, Sr., of Sylacauga, Ala., the sum of $1,431 in full settlement of all claims against the United States for its failure to pay the agreed purchase price under a purchase agreement entered into pursuant to the 1952 hay and pasture seed price-support program for 5,000 pounds of certified Kentucky 31 fescue seed which the United States received from Mr. Sarvis on or about June 21, 1953. It is provided further that title to said seed shall pass to the Commodity Credit Corporation and that Mr. Sarvis will not be held liable for any transportation, loading, or warehouse storage charges which may have accrued on or after June 21, 1953, with respect to that seed.

STATEMENT

The claimant in this case participated in the 1952 price-support program with respect to hay and pasture seed. In October of 1952 he signed a purchase agreement to sell 5,000 pounds of certified Kentucky 31 fescue seed, 1952 crop, to the Production and Marketing Administration. The price stipulated was 27 cents per pound, the actual purchase to be made subsequent to April 1, 1953. On April 13, 1953, the claimant was informed that prior to purchase, an analysis would have to be made of the seed to determine whether or not it met the program requirements as to purity and germination. Such an analysis was made at the request of the claimant on May 19, 1953, and the report showed that the germination was 82 percent and purity 99.56 percent.

On June 26, 1953, the seed was picked up from the claimant's warehouse, at which time another sample for analysis was taken. On July 23, 1953, claimant received a notice from the county PMA committee enclosing a copy of an analysis dated July 21, 1953, made from the above sample, which showed the total germination of the seed to be 77 percent which was 3 percent below the minimum eligibility requirement. No reference was made to the purity factor as shown by by the above-mentioned analysis and the refusal to purchase at that time was based solely on the germination factor.

When the claimant, through correspondence and otherwise, attempted to reconcile the two analyses with respect to germination, he was then informed, by letter dated January 8, 1954, that the refusal to purchase was also based on the purity factor, in that the analysis of May 19, 1953, showed the presence of 9 wild onions per pound. At this late date, of course, and with the seed in the possession of the Commodity Credit Corporation, it was impossible for the claimant to put the seed through a cleaning process to enable it to meet the purity factor.

The committee is of the opinion that this claimant tried in good faith in every way to meet the requirements of the price-support program and is apparently an unwitting victim of the lack of understanding of the requirements of the program by the local officials as well as

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a failure of the national office to promptly and fully inform participants in the program of their obligations with respect to the purchase and sale of such commodities.

Attached hereto for the information of the Senate are extracts from the House report on this bill, which set forth in detail the facts in this case.

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 7, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: There is enclosed herewith an affidavit executed by Mr. Paul H. Sarvis, Sr., in connection with H. R. 3062 which is pending before your committee.

Attached to the affidavit as exhibits are the following letters:

Exhibit A: Letter dated October 2, 1953, from Mr. Marvin L. McLain to Mr. Sarvis.

Exhibit B: Letter dated June 15, 1953, from Mr. Grady Parker to Mr. Sarvis.

Exhibit C: Letter dated June 26, 1953, from Mr. Grady Parker to Mr. Sarvis.

Exhibit D: Letter dated December 1, 1953, from Mr. B. L. Collins to Mr. Sarvis with attached copy of letter written by Mr. Collins to Mr. Marvin L. McLain.

I would appreciate your advising me when the committee schedules this bill for hearing as I would like to appear and testify.

Very sincerely,

KENNETH A. ROBERTS.

STATE OF ALABAMA,
Talladega County.

Before me, Minnie Ruth Chappell, a notary public, in and for said State and county, personally appeared Paul H. Sarvis, Sr., of Sylacauga, Ala., who being by me first duly sworn, on oath deposes and says, as follows;

On or about October 27, 1952, I signed a purchase agreement to sell 5,000 pounds of certified Kentucky 31 fescue seed, 1952 crop, to the Production and Marketing Administration. This purchase agreement was on commodity purchase form 1 and stipulated a price of 27 cents per pound. Also, it stipulated that said purchase would not be made until April 1, 1953, or later. It also stipulated that the contract covered 1952 certified Kentucky 31 fescue seed. My seed were certified, had the blue tags and seals on each sack as furnished by the Alabama Crop Improvement Association.

Under date of March 21, 1953, I advised Mr. Grady Parker, secretary of the Talladega County Committee, PMS, that I was accepting their option to buy my seed on or after April 1, 1953. Under date of April 13, 1953, I received a letter from Mr. Parker stating he had been recently instructed to have an analysis of the seed dated not more than 5 months prior to May 1, 1953. This analysis was made

on May 19, 1953, and germination was 82 percent and purity 99.56 percent. My copy of this report was sent to Mr. Parker.

These seed were picked up from my warehouse on June 26, 1953, at which time another sample for analysis was taken. On July 23, 1953, I received a notice from Mr. A. J. Ponder, chairman of Talladega County PMA Committee, enclosing a copy of analysis dated July 21, 1953, made of sample taken on takeover date, June 26, 1953. In this letter, I was advised "that the total germination on these seed was 77 percent. * * * Minimum eligibility requirements have been set at 95 percent purity and 80 percent germination. * * * Your fescue will not meet the minimum requirements." No reference was made to purity factor as of takeover date which was 98.46 percent.

Mr. Marvin L. McLain letter (exhibit A hereto) dated October 2, 1953, outlines in detail the application of the minimum requirements of this program, and the provision of the program that the producer may have his seed recleaned (par. 5). Nothing had been said to me about purity factor and recleaning of seed by anyone until this time. I was refused payment because of low germination of sample taken on takeover date, June 21, 1953, although seed had been ready for delivery since May. I was advised in letter from Mr. Parker (exhibit B) dated June 15, 1953, that "CCC will call these seed within a short time." Exhibit C shows that seed were delivered according to Mr. Parker's instructions. The reason for this detail is to show how this program was being administered by the Talladega County PMA Committee.

I asked Mr. McLain in a letter dated October 5, 1953, as follows: "I have your letter of the 2d answering my letter to the Secretary of Agriculture. The fact that purity is the determining factor in your requirements have never been brought to my attention until mentioned in your letter. The only thing ever discussed with me by the PMA has been germination. According to your letter if this fact had been known by me through the local PMA committee, I could have corrected that point by having them recleaned (at no cost to me as I had already paid for cleaning to a certified basis). Furthermore, if the PMA had informed me of the facts set out in the second paragraph of your letter, a warehouseman's guaranty could have been furnished as the seed in question had been in the Sylacauga Bonded Warehouse for 1 year, at the time these seed were picked up."

Mr. James M. Jones, chairman of the State PMA committee, wrote me on October 15, 1953, that the State committee would be in session on Wednesday, October 21, at Montgomery, and if I wished, they would see me at that time in reference to this matter. As a result of my appearance before the State committee, a letter was written by Mr. Jones to the Department of Agriculture in Washington (exhibit D) requesting authority to purchase certain seed, as it was the opinion of that committee the producers were not at fault and would be unduly penalized through no fault of their own. Example 2 of this letter represented my lot of seed. The last paragraph, on page 2, stated that the representatives of the county committees did not inform producers of program requirements in time for such deficiencies to be corrected prior to a drop in the germination of the seed.

After further communication by me to Mr. Jones, Mr. McLain wrote me on January 8, 1954, stating, in part, "The second test (May 19, 1953) was in-date but it showed the seed to be ineligible for

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purchase because of the presence of wild onion seed." I would have been glad to have had the seed recleaned as this was included in the amount I paid to have them certified, if the PMA officials had told me in May 1953 that this was necessary to correct the purity factor.

In Mr. Jones' letter to Washington, he stated: "At the time of takeover the representative of the local county committee did not notice on the analysis report (of May 19, 1953) that nine wild onions per pound was shown." This analysis was in the hands of the county committee long before takeover date of June 26, 1953.

I have never been paid for the seed that were taken away from warehouse, which was 5,000 pounds.

PAUL H. SARVIS, Sr.

Subscribed and sworn to before me this the 5th day of July 1955.

[SEAL] MINNIE RUTH CHAPPELL,
Notary Public, Talladega County, Ala.

EXHIBIT A

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
GRAIN BRANCH,
Washington, D. C., October 2, 1953.

Mr. P. H. SARVIS, Sr.,
Sylacauga, Ala.

DEAR MR. SARVIS: Your letter of September 22 to the Secretary about the operations of the price-support program for 1952-crop certified Kentucky 31 tall fescue seed has been referred to this office for reply.

The 1952 hay and pasture seed price-support program provides that except where an approved warehouseman guarantees the quality of the seed, producers must furnish an official germination certificate and purity analysis of each lot of seed delivered to Commodity Credit Corporation under loan or purchase agreements. The representative sample of the lot of seed to be delivered must have been drawn not more than 5 calendar months prior to the first day of the month in which the seed is delivered to CCC. Upon delivery a new sample is drawn to determine that the lot of seed delivered was the identical lot tested originally.

If the test taken at time of delivery showed the purity factors to be within permissible tolerances of the original test, the seed was acceptable and settlement made on the original test certificate. However, should the purity factors vary more than the permissible tolerances from the original test, settlement is made on the basis of the test made at time of delivery providing it showed the seed to still be eligible.

You will note from the above that the purity factors are used as criteria to determine the identity of the lot of seed delivered; that germination is not considered, and that seed meeting these requirements shall be settled for upon the basis of the original test. However, when the purity factors shown on the analysis report of the test taken at time of delivery indicate that the purity factors have changed beyond permissible tolerances, then both the germination and purity

as determined by the test at time of delivery, if the seed is still equal to or better than the minimum requirements, must be used in making final settlement with the producer.

When the purity factors indicate seed to be ineligible for delivery, the program provides that the producer may have his seed recleaned, retested, and submit the new test certificates to the county PMA committee with the recleaned lot of seed. However, for some reason the germination of your seed has fallen so low that the value of recleaning is very questionable.

Your letter does not tell about the quality factors shown by the tests other than germination. For this reason we can only furnish you with the above explanation of the operation of the price support program which applies to certified as well as uncertified seed.

One of the requirements for seed to be eligible for price support under the 1952-crop hay and pasture seed price-support program is that the seed must have been produced in the year of 1952. There is no price support on 1953-crop hay and pasture seed, including tall fescue seed. (See price release of March 4, 1953, attached.) Therefore, 1953-crop fescue seed would not be eligible to be delivered to Commodity Credit Corporation under any circumstances.

Very truly yours,

MARVIN L. MCLAIN, *Director.*

EXHIBIT B

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Talladega, Ala., June 15, 1953.

Subject: Delivery of fescue seed to CCC.

Mr. P. H. SARVIS,
Sylacauga, Ala.

DEAR SIR: The contractors for moving fescue seed tendered CCC has started moving these seed in some counties in Alabama. In the first county visited it was found that the seed, as sacked, did not meet requirements for delivery, in that the bags were rat-cut and seed were wasted. It is the producer's responsibility to tender seed to the CCC in bags that meet program requirements and are in such condition that they would be acceptable for shipment by common carrier. Every effort should be made by you to see that the seed are ready for movement at the designated time.

We are of the opinion that CCC will call these seed within a very short time.

Very truly yours,

TALLADEGA COUNTY PMA COMMITTEE,
By GRADY PARKER, *Secretary.*

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EXHIBIT C

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Talladega, Ala., June 26, 1953.

Mr. PAUL H. SARVIS, Sr.,
Sylacauga, Ala.

DEAR MR. SARVIS: We are enclosing herewith a copy of commodity purchase form 3 indicating the amount of Kentucky 31 certified fescue delivered to CCC care of Stegall-Sylvest Seed Co.

Very truly yours,

TALLADEGA COUNTY PMA COMMITTEE,
By GRADY PARKER, *Secretary.*

EXHIBIT D

DEPARTMENT OF AGRICULTURE,
AGRICULTURAL STABILIZATION AND CONSERVATION,
STATE OFFICE,
Montgomery, Ala., December 1, 1953.

Mr. P. H. SARVIS, Sr.,
Sylacauga, Ala.

DEAR MR. SARVIS: This is with reference to your fescue seed delivered on a purchase agreement under the 1952 hay and pasture grass price-support program. For your information we are enclosing a copy of a letter directed to Mr. Marvin L. McLain, Director, Grain Branch, United States Department of Agriculture, Washington, D. C., and also a copy of his reply. You will note that example 2 of our letter represents your lot of seed.

You will note that in Mr. McLain's reply, he states: "We regret that we cannot authorize the purchase of such ineligible seed." The appeal to the Grain Branch by the State committee for authority to purchase these seed was their last resort. It is recognized and appreciated that there are some unusual circumstances in connection with this transaction, and we regret that the final determination has been so long drawn-out. However, this office nor the county office has authority to purchase seed that did not meet certain minimum specifications at time of takeover, or were covered by a within date analysis certificate and the purity factors on this certificate were within allowable tolerances with the analysis of the seed at time of takeover.

We would like to call to your attention at this time your option to repossess these seed by paying the expenses incurred by CCC. The transportation charges on these seed to Montgomery were 50 cents per 100 pounds, and the warehouse charges are 7 cents per 100 pounds per month for the time that they have been in storage, plus 7 cents per 100 pounds loading-out charge. The Talladega County ASC office has the warehouse receipts and these receipts will be released to you upon payment of these charges.

We regret that the State committee was unable to secure authorization to purchase, however in view of the limitations placed on the program and the refusal of the Grain Branch in Washington, which

administers this program, to make any exceptions to the basic specifications, the seed must be considered ineligible for purchase.

Very truly yours,

B. L. COLLINS,
State Administrative Officer.

ALABAMA STATE OFFICE,
Montgomery, Ala., November 12, 1953.

Subject: 1952 tall fescue purchase agreement program.

Mr. MARVIN L. MCLAIN,
Director, Grain Branch,
Production and Marketing Administration,
Washington, D. C.

DEAR MR. MCLAIN: In connection with the operations of the above program there have developed in Alabama several cases in which it appears that the producers will be unduly penalized through no fault of their own. In the areas in which these cases have developed there are no approved seed-storage warehouses; therefore, it was necessary to secure shipping orders from the commodity office in New Orleans to cover the movement of these seed into approved storage. Therefore, CCC had incurred expenses for transportation prior to the time an analysis report could be received of the samples taken at takeover to determine final eligibility. The cases referred to above fall into three categories. Outlined below is an example of each type case:

(1) Seed covered in this lot had been certified by the Alabama Crop Improvement Association and immediately prior to time of takeover, the producer assisted by his county agricultural agent, drew a sample of these seed and submitted same to an approved laboratory. The test showed that the seed were eligible for purchase in every respect. Approximately 30 days later at time of takeover when movement of the seed was made, another sample was drawn by a representative of the county committee and submitted to the same laboratory as used by the producer. This test revealed that except for germination the seed were eligible for purchase, the germination being 79 percent, which is one point below the minimum as established in the bulletin. The test submitted to this same laboratory approximately 30 days before had shown a germination of 86 percent.

The producer requested an appeal grade and these seed were resampled under the supervision of the State committee. However, this was some 90 days after the tests referred to above were made. Both of these later tests showed the germination being below 80 percent; therefore, not eligible for purchase.

(2) This lot of seed had been certified by the Alabama Crop Improvement Association. At the time of takeover the representative of the local county committee did not notice on the analysis report that 9 wild onions per pound was shown, and allowed the seed to be shipped into approved storage. This analysis report showed a germination of 82 percent. At the time the seed were moved to approved storage, the seed were resampled and submitted to an approved laboratory. This analysis made of the sample taken at time of takeover showed germination 77 percent; however, it did not reveal any

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noxious weeds, Due to the 77 percent germination and our interpretation of the regulations, these seed were not eligible for purchase. At the request of the county committee, this lot of seed was resampled and two official samples submitted to different laboratories, one being the Alabama Department of Agriculture and Industries; and both of these reports showed the germination to be below 80 percent. However, neither of these tests showed noxious weeds.

(3) This lot of seed represented uncertified tall fescue. At the time the producers submitted his analysis report to the county committee, their representative did not notice that these seed contained plantain in excess of the amount specified in the bulletin, and allowed the seed to be moved to approved storage. The sample of seed drawn at time of movement also revealed that the seed did not meet minimum specifications to be eligible for purchase. This lot of seed was also resampled under the supervision of the State committee. The reports received from these samples also revealed that the seed contained excessive plantain and also that the germination had dropped below 80 percent during the interval between the taking of the original sample and the appeal grade.

According to the bulletin and the interpretations that we have received from your office, we realize that the above seed do not meet the minimum specifications for purchase. However, it is requested that each of the above cases be carefully considered on the basis of their merits and consideration be given to the fact that the representatives of the county committees did not inform producers of program requirements in time for such deficiencies to be corrected prior to a drop in the germination of the seed. Also, in connection with example (1), cited above, there appears to be a reasonable doubt as to the true germination of this lot of seed. All samples were drawn according to approved sampling practices, and all laboratories used a senior seed technologist; yet there is an unexplainable variation.

On the basis of the facts presented above, authority is requested to purchase these seed, as in the opinion of this committee the producers are not at fault and failure to purchase will bring adverse criticism of the program and will tend to defeat the purpose of this program. The above cases have been pending sometime; therefore, your advice will be appreciated at an early date in order that a final disposition may be made of this matter.

Very truly yours,

JAMES H. JONES,
Chairman, PMA State Committee.

DEPARTMENT OF AGRICULTURE,
COMMODITY STABILIZATION SERVICE,
GRAIN BRANCH,
Washington, D. C., November 19, 1953.

To: Chairman, Alabama ASC State Committee.
From: Dir ctor.
Subject: Delivery of ineligible tall fescue seed under the 1952 hay and pasture seed price support program.

This is in reply to your letter of November 12, requesting authority to accept the delivery and purchase ineligible tall fescue seed under the 1952 Hay and Pasture Seed Price Support Program.

The quality of the lots of tall fescue seed described in examples 1, 2, and 3 of your letter are not eligible under the 1952 Hay and Pasture Seed Price Support Program to be delivered to CCC under purchase agreements. It appears that you have interpreted the 1952 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Hay and Pasture Seed, and our memorandum of August 10, 1953, correctly and realize that it is not possible to accept delivery of ineligible seed under purchase agreements.

We regret that we cannot authorize the purchase of such ineligible seed. The minimum specifications of eligibility for tall fescue seed were established originally at very reasonable levels. Such standards should not be difficult to attain if the seed is harvested, handled, and processed properly. We are forced to observe a minimum below which we will not go or face the prospects of CCC owning seed that would not be marketable.

MARVIN L. MCLAIN.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., April 14, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR CONGRESSMAN CELLER: This is in reply to your request for a report of H. R. 3062, a bill for the relief of Paul H. Sarvis, Sr.

The Department recommends against enactment of this bill.

H. R. 3062 would authorize the Secretary of the Treasury to pay to Paul H. Sarvis, Sr., of Sylacauga, Ala., the sum of $1,431. Such sum shall be in full settlement of all claims of Paul H. Sarvis, Sr., against the United States for the failure of the United States to pay the purchase price under a purchase agreement entered into under the 1952 hay and pasture seed price-support program for certified Kentucky 31 fescue seed.

The method of support for 1952-crop hay and pasture seed was through farm storage and warehouse storage loans and purchase agreements for all seed included in the program except tall fescue seed, the price of which was supported by purchase agreements only. (Kentucky 31 fescue seed, certified or uncertified, is a variety of tall fescue.)

The requirements of the program in the subject case with respect to the purchase agreement being duly signed and giving the county committee notice of intention to deliver were observed. However, one of the requirements of the 1952-crop hay and pasture seed price-support program for seed to be eligible, where quality of the seed is not guaranteed by an approved warehouseman, was that the quality of the seed must, on the basis of official tests, be equal to or better in every respect than the minimum specifications for the particular kind of seed as set forth in the schedule of basic rates, specifications and discounts of the program. These specifications show the minimum eligibility requirements with respect to purity, germination, maximum percent of weed seeds and other crop seeds permitted to be present in the seed, noxious weed seed prohibited, and the tolerance permitted for the less objectionable noxious weed seed. The seed originally

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tendered for purchase by Mr. Paul H. Sarvis, Sr., failed, on the basis of the official in-date tests made of a representative sample, to meet the minimum quality requirements because of the presence of excessive numbers of wild onion seeds, a prohibited noxious weed seed. The program gave the producer the opportunity to have the seed recleaned where reprocessing would normally improve the quality of the seed. The producer availed himself of this provision. After having the seed recleaned the seed still failed to meet the minimum requirements of the program with respect to germination. The program further gave the producer the option to appeal the official tests made at time of takeover. Subsequently, the appeal tests likewise failed to show that the seed qualified for price support and purchase by Commodity Credit Corporation.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

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Calendar No. 2788

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2740

GOSHEN VENEER CO.

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 10092]

The Committee on the Judiciary, to which was referred the bill (H. R. 10092), for the relief of the former shareholders of the Goshen Veneer Company, an Indiana corporation, having considered the same, reports favorably thereon, with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

On page 1, line 6, strike "$12,750" and insert in lieu thereof, "$50,176.16".

On page 1, line 8, strike "$2,250" and insert in lieu thereof, "$8,858.66".

On page 1, line 9, strike "$21,000" and insert in lieu thereof, "$82,639.91".

On page 1, line 10, strike "$8,250" and insert in lieu thereof, "$32,468.66".

On page 1, line 11, strike "$8,250" and insert in lieu thereof, "$32,468.66".

On page 2, line 1, strike "$22,500" and insert in lieu thereof, "$88,542.42".

On page 2, line 3, strike everything following "Indiana," through and including "1954)" on line 7.

On page 2, line 15, strike "25" and insert in lieu thereof, "10".

PURPOSE OF THE AMENDMENTS

The purpose of the amendments is to increase the size of the award in this bill in conformance with former committee recommendations and other reasons set out herein, and according to calculations shown infra.

Calendar No. 2788

PURPOSE

The purpose of the proposed legislation, as amended, is to pay the former shareholders of the Goshen Veneer Co. a total sum of $295,154.47, in full settlement of their claims against the United States as a result of their having lost their business during the period 1942–44 by reason of overexpansion of the facilities of said business at the behest and urging of the United States War Department, in anticipation of the requirements of the projected wartime wooden aircraft program and the subsequent abandonment by the War Department before amortization could be effected.

STATEMENT

The Goshen Veneer Co. was established in 1892 by Myron C. Dow and Charles E. Gorham and was operated as a partnership until it was incorporated in 1900. The ownership of the firm and all of its stock remained in the hands of the organizers or their families up to April 1944. Since its inception Goshen has engaged in the manufacture of hardwood veneer and plywood principally for the manufacture of furniture. It was among the first to develop the hot-press technique for cementing veneer with thermosetting resins. The average net sales for the years 1936 to 1941 was $558,200, with average net profits of $26,300, or 5 percent of sales. The incidents out of which this claim arises took place in the spring of 1942 through the summer of 1944. A number of the persons then having offices or other responsible positions in and about the Goshen Corp. are now deceased.

On March 10, 1942, Mr. J. J. Snoke, general manager of Goshen advised the Army Air Force procurement officers by letter of Goshen's availability for plywood manufacture and offered its services in that regard. It is not clearly established whether this letter was a response to solicitations by such procurement officers to Goshen, or whether it was a voluntary act on the part of the corporate management. It is to be borne in mind, however, that this company was a small family owned corporation operated in a city in mid-America and inasmuch as the officers and shareholders were all members of the community, the letter probably represented a genuine desire on their part to contribute toward the defense effort at this period in which the country was engaged in a world war.

On May 6, 1942, the company had prime or subcontracts with various agencies of the Government totaling $354,500 and a subcontract estimated at $600,000 was in the process of negotiation with the Bell Aircraft Co., which had a contract with the United States Army Air Forces. Goshen was contacted by representatives of the War Department during the summer of 1942 and the necessity of peak production for the war effort was stressed.

On May 22, 1942, Goshen entered into a V-loan agreement for $100,000 of revolving credit. It is to be noted that $100,000 of additional credit would not be an unusual financial transaction in view of the size of the company and its average of $500,000 gross business in the preceding years.

Following the first V-loan, Goshen received further subcontracts and about the 1st of August 1942 Lt. George E. Dilley, assistant to

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the district financial officer, contacted the company for the purpose of assisting it in obtaining an increased loan which Goshen had contemplated making as early as July 6, 1942. Further, on July 29, 1942, a letter was received by Goshen from a Major Lyon which contained several rather broad statements with regard to V-loans.

On August 7, 1942, the First Bank & Trust Company of South Bend, a fiscal agent for the War Department, which handled the first V-loan, applied to the Federal Reserve for a guaranty for a loan of $600,000. This being a consolidation with the first V-loan and an increase in credit of $500,000. The claimant contends that considerable pressure by procurement officers during the summer of 1942 had induced them to go ahead with continued expansion to handle war contracts which the Air Forces desired.

Specifically, the United States Air Forces at this time were interested in a program for producing plywood aircraft, thus saving on aluminum and other essential minerals. It was in connection with this plywood aircraft program that Goshen had been contacted.

On August 22, 1942, the bank consolidated the former loan and a loan was made in the amount of $600,000 for Goshen. In addition to the provisions securing repayment under the former agreement there was incorporated in the August 22 instrument the new loan contract provided, inter alia, that the bank, at its election could require separate accounts for funds advanced and the countersigning of checks, inspection of the books and records of Goshen and the right to make advances in its sole discretion; also, monthly balance sheets certified by public accountant; approval by the bank of all contracts for over $25,000 and the acquisition of any fixed assets over $2,000 was required.

It is to be noted that the May 22 loan for a revolving fund of $100,000 provided for a mortgage of all real estate, equipment, materials, tools, machinery and personal property except inventory; the assignment of the proceeds of all contracts with United States or various departments thereof; the subordination of outstanding debentures (in the extent of $26,064.70) to the loan; prohibition of the payment of any dividends during the period of the loan, for monthly balance sheets and accounting records certified by a CPA; the personal guaranty of J. J. Snoke and Dow Gorham for the repayment of funds advanced and an acceleration clause to be effective in case of a breach of any of the terms of the agreement.

The committee notes that the control of the company with the issuance of these two loans progressively passed from the existing management to the bank and the War Department. Further, the amount of the second loan was not thought to be desirable by the bank or the Federal Reserve, but which was acquiesced to by them at the insistence of the War Department officials, because it would be an excessively large loan for the size of the Goshen Co. and its previous operations. Briefly, the company took the second loan and expanded its operations in accordance with contracts with the Government. This amounted to what would be in normal business procedures an overextension of the company. However, the committee feels that it is to be noted that at the time the country was at war, that considerable pressure had been exerted on the company in connection with its plywood aircraft program.

The committee notes that under the Selective Service Acts of 1940, the Goshen Veneer Co. could have been seized by the Government for war production if the company failed to cooperate with the Government in handling war contracts, but the committee does not feel that the company in a strict legal sense was forced to comply with the suggestions of the War Department. However, the committee does understand that, inasmuch as this was a family corporation, all of the members living in the town in which the plant was located, that had the family managed the corporation in such a manner as to compel Government seizure, they would have been practically compelled to leave town due to the wartime public feeling. The committee notes that had the families made such a Government seizure necessary they would not have sustained the loss which is the basis of the instant claim. Further, the committee appreciates that possibly in permitting this overextension, the company was possibly overzealous in its patriotic efforts to help the country during the war.

Following the expansion, the physical property of the plant was expanded. For example, the size of the work force, which was formerly 175 people, was increased to 575 with corresponding increases in the plant and equipment. In the fall of 1942 Goshen experienced difficulty in furnishing the bank with accounting and financial data as required under the loan agreement which would adequately inform the bank of the company's financial position. By November 10, 1942, outstanding notes under the revolving V-loan totaled $597,964.28. Some of the difficulty encountered by Goshen in presenting a reliable fiscal report as to its operations seems to have stemmed from the lack of a cost-accounting system adequate for the proper handling of the cost-plus-fixed-fees contractual arrangements which constituted the majority of their contracts.

In December 1942 the company's accountant advised the bank that his failure to submit the required statements for October and November was due to the necessity of building an entirely new financial accounting system beginning with the fiscal year of October 1941, in order to have proper cost-accounting for the new Air Forces contracts. In December 1942 Mr. J. J. Snoke advised the bank of a proposed subcontract with Bell Aircraft Corp. having a minimum estimated value of $2,500,000, which would require additional operating capital. The bank at this time informed Goshen that they would install their own accountants in accordance with the terms of the loan if adequate financial data was not forthcoming. In January 1943 a firm of management engineers was employed to conduct a survey of Goshen's problems and attempted to remedy some of the difficulties which had been encountered. This firm, Stevenson, Jordan & Harriss, hereinafter referred to as SJH, was hired at the insistence of the bank. The actual selection of the firm was made by company officials. The Federal Reserve is noted as finding that the hire of the management firm was not warranted at this time. In February the bank notified the management that all future advances made to Goshen would be deposited in a separate account from which withdrawals could be effected only when countersigned by an employee of the bank who would spend full time in the Goshen offices in connection with the revolving credit.

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SJH submitted its report on February 25, 1943, which indicated that production, engineering, and quality of production were entirely satisfactory, but that Goshen was deficient in certain aspects of business management with respect to cost control and accounting. It was additionally noted in this report that management was overburdened by a mass of detail and that the situation was aggravated by the loss of key production men to the draft. The committee further notes that inasmuch as the plywood aircraft program was in a new field of aircraft manufacture that many of the contracts were experimental in nature and that considerable engineering problems were presented to the company in forming airfoils of plywood which has appreciable thickness as compared to airfoils of aluminum sheets which are of a thin gage, inasmuch as the aircraft industry and its research and engineering specifications were keyed to the aluminum airfoils.

On March 8, 1943, the bank filed a new application for a $1 million revolving fund loan. This would incorporate the previous $600,000 V-loan. The loan agreement for this amount was executed on March 25, 1943. In addition to retaining the previous provisions to secure payment which had been set out under prior loans, the agreement provided inter alia that 51 percent of the outstanding voting shares of Goshen would be pledged to the bank; that Goshen would obtain management satisfactory to the bank, and after the date of the agreement Goshen would retain the services of SJH. At the time of this agreement the representatives of Goshen demurred giving a pledge of 51 percent of the voting stock feeling that the bank might then be in a position to obtain control of the business. It was explained by the representatives of the Federal Reserve that collateral could not be foreclosed without the consent of the War Department and the War Department under no circumstances would be interested in depriving the owners of the business as long as the terms of the guaranty agreement were being fully complied with. It is noted that at this time the company's application for additional credit was the only feasible basis upon which it could continue in its overexpanded state and perform the contracts negotiated under the plywood aircraft program.

From this time on, while previously the bank had exercised considerable control, the management was completely in the hands of and controlled by the bank in its operations. In June of 1943 a complete reorganization was effected in which a nominee of the bank and a representative of SJH were present on the board of directors. The pledge of 51 percent of voting shares was transferred to the Federal Reserve as fiscal agents for the War Department with the provision that it might be voted at the discretion of the contracting officers attached to the Headquarters of the Army Air Forces. The new office of general manager-secretary-treasurer was made the principal executive office of the company and the representatives of SJH were elected to this office. Mr. Snoke, the former general manager remained prominent in the operation of the business.

During the summer of 1943 the entire wooden aircraft program, in anticipation of which Goshen had expanded, was decelerated sharply to the point of being completely stopped, and its impact on the company is indicated by the fact that by November 1943 the operations were only slightly larger than prewar.

The committee notes that the principal difficulties involved in this claim are represented in events which transpired prior to this time,

to wit, the company at the insistence of officials of the War Department, and in its desire to assist in the war effort, was repeatedly (in a period of 6 to 8 months) overexpanded and then the defense program upon which the company relied for its overexpansion was, within a few months, completely dropped, allowing no time to amortize the massive loans secured by the company in anticipation of its operations therein. Subsequently, there was considerable shifting of personnel in the management of the company. The curtailment of the plywood aircraft program and cancellation of other defense contracts compelled a rapid reduction of the operations of the company and other difficulties were encountered. The committee believes that during this time the control of the company cannot be said to have resided in the former management. On April 18, 1944, the stockholders of the company signed over to the Federal Reserve Bank of Chicago, as fiscal agent of the War Department, all of the stock, common and preferred, and any other debentures of the Goshen Veneer Co. which they owned. The company was subsequently liquidated and the War Department was charged with a loss of $129,845.13 as a result of the transaction.

In the 81st Congress, a bill, S. 410 passed the Senate after extensive hearings, for the relief of the said shareholders of the Goshen Veneer Co. in the amount of $513,434.92. In the House of Representatives on August 25, 1940, the House by H. R. 814, referred the matter to the Court of Claims. On March 2, 1954, the United States Court of Claims entered a decision in compliance with said House resolution recommending the award to the said shareholders of an amount of $75,000. The recommendation of the Court of Claims was incorporated in H. R. 10092 of this Congress, which is the instant bill, and is in the total amount of $75,000.

The committee points out that in connection with this recommendation certain considerations were involved in the previous award of $513,000 as recommended by the Senate in the first instance, should be considered. Among other things, testimony at the hearings then held tended to indicate that in the final settlement of the various defense contracts between Goshen and particularly Bell Aircraft, prime contractors for the Air Force, representatives of the War Department who then were in complete control of the Goshen contract, tended to favor Bell Aircraft in the settlement of such accounts and refrained from insisting on many of the claims which Goshen had with respect to the Bell contract. The committee was further persuaded by the actual testimony of the persons involved with respect to the allegations and recommendations made by War Department officials to Goshen prior to the loan agreements.

In summary, the committee feels that the Goshen management was unwise in permitting the operations of their company to be expanded at the rate and to the size which they were expanded. The committee feels that possibly the urging and encouragement of the War Department with regard to this overexpansion does not amount to coercion or misrepresentation, but was to a degree, and in a manner, not calculated to reflect credit on the United States. It is to be be borne in mind that during the time of war sacrifices are usually to be expected. Many people permit their patriotism to override their better judgment with regard to their business capabilities, and it is particularly to be borne in mind that the company was a small family-

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owned business in a small city and "they had to live with their neighbors." The committee feels that the curtailment and cancellation of the wooden aircraft program at a period very shortly after the company, at the insistence of the War Department, had rapidly expanded its facilities, prevented the amortization of loans incurred and immediately placed Goshen in a perilous financial condition. Further, the committee feels that after June of 1943 control of Goshen was practically out of the hands of the family which had formerly controlled it. Prior to that time the facts show that considerable control had been exerted by the bank over the operations of the company. The committee feels that the error of the former owners, which although patriotically inspired, resulted in the overexpansion of the company, is sufficiently penalized by the loss of a 50-year-old going business and the goodwill and reputation attached thereto. The committee does not feel, in view of the Government's participation in this situation, that the shareholders should be penalized by complete loss of the values which the 2 families had labored through 2 generations to secure due to this 1 instance of poor judgment during the war.

Further, the committee feels that awarding a sum of $75,000 as recommended by the Court of Claims is inadequate compensation for the claimants, particularly in view of the fact that the final settlement of company assets and contractual rights were carried on by representatives of the War Department, the claimants not having any substantial voice in these transactions, after the War Department had completely taken over the company. The committee feels further that, particularly in view of the facts and attitude of the War Department with respect $2,000,000 contract with Bell, and in the settlement which took place, that the final accounting figure showing a loss of $129,000 to the War Department is not representative of the equities involved.

The company noted that a number of factors were apparently not considered by the court in making its recommendations and that other items were overlooked. The court's evaluation of assets appeared to be primarily based on the value of the stock alone as set out on page 19 of the House report. Therefore, the committee feels that, in arriving at a more acceptable amount, the following analysis of the items in the claim should be considered:

Analysis of items on Goshen Veneer claim

1. Book value of stock June 30, 1943		$78,223.07
2. Add amount of debentures (owned by claimants)		20,064.70
(The court takes the book value of the stock as computed *after* the debentures are included in the liabilities. Obviously the value of the debentures, a part of the equity of the claimants, should be *added* to the value of the company.)		
3. Add amount by which fixed assets undervalued on books:		
Appraised value Oct. 1, 1942	$338,085.99	
Less book value Sept. 30, 1942	164,574.65	
Undervaluation as of Sept. 30, 1942		173,511.34
(The court finds a sound value of the buildings and machinery of $338,085.99 (based on October 1942 appraisal). The book value of the stock is based on book value of buildings and machinery of $164,574.65, no adjustment having been made on the books to reflect true appraisal value.)		

Analysis of items on Goshen Veneer claim—Continued

4. Add amount of insurance claim later recovered but not carried on books		$13,600.00
(It is undisputed (and the court consequently made no finding in regard thereto) that the company had an inssurance claim which was not carried upon the books, but upon which the Government later received $13,600 in settlement. This is an unlisted asset that should be added in determining the value of the claimants' interest.)		
5. Add amount of tax refund later recovered but not carried on the books		7,156.00
(The company was entitled to an income tax refund of prior years which, however, was not shown upon the books or in the balance sheet. It was subsequently paid to the Government in the amount of $7,156, and the court so found.)		
6. Add undervaluation of Michigan timber lands:		
Fair market value	$9,800.00	
Less book value	4,000.00	
	4,800.00	
Total		4,800.00
(The court found: "The company also owned a tract of timberland in Kalamazoo County, Mich., on which there was a stand of hard maple timber suitable for plywood." This was appraised as prime timber for plywood purposes at from $18,000 to $20,000, but was not shown in the balance sheet. The Government subsequently sold it as *common lumber* for *$9,800*. This timberland was carried on the books at cost of $4,000, which (taking the lower valuation of $18,000) results in an undervaluation of $14,000.)		
Total		297,355.11
7. Deduct net book accounts of petitioners due from officers and stockholders	$3,344.77	
Less amounts due stockholders	$241.24	
And less interest due debenture holders	902.89	
	1,144.13	
Net amount of book accounts		2,200.64
True value of petitioners' interest in Goshen Veneer Co. on June 30, 1943		295,154.47

The committee feels that, in view of the former recommendation of the committee and in view of all the records available to the committee that the total figure of $295,154.47 is a more correct value of claimants' loss, excluding the loss of a going business which is irreplaceable. The committee has amended the bill accordingly.

The reports of the Department of the Army and the Department of Justice may be found in Report 2946 of the House of Representatives, 81st Congress, which accompanies House Resolution 814 of that Congress. Also included is the loan agreement of March 1943, the balance sheet of the Goshen Veneer Co. as of July 31, 1942, and other pertinent documents.

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The House report indicates that substantial legal services have been rendered in this claim and in view of the amount awarded, as amended, the bill has been amended to provide for a 10 percent attorney's fee.

The opinion in the Court of Claims decision may be found in Report 2050 of the House of Representatives, 84th Congress, which accompanied the instant bill.

After careful consideration of the foregoing facts and records of the committee, the committee recommends that the bill, as amended, be favorably considered.

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Calendar No. 2789

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2741

CERTAIN RELATIVES OF UNITED STATES CITIZENS

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

MR. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 662]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 662) for the relief of certain relatives of United States citizens, having considered the same, reports favorably thereon with amendments and recommends that the joint resolution as amended do pass.

AMENDMENTS

1. On page 2, line 2, after the colon add the following:

And provided further, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act:

2. On page 2, line 7, after the name "Hsieh", insert the name "Mario Infantino".
3. On page 2, line 8, after the name "Medic", insert the name "Yeup Yeon Micuch".
4. On page 2, line 9, after the name "Ordonez", insert the name "Hedwig M. Perrine".

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to waive the excluding provision of existing law relating to those afflicted with tuberculosis in behalf of 28 aliens who are the spouses or children of United States citizens. Provision is made for the posting of a bond in each case referred to in the resolution as a guaranty that the

beneficiaries will not become public charges. The joint resolution has been amended to limit the exemption in each case to a ground for exclusion known prior to the enactment of this act. The joint resolution has also been amended to include the cases of three aliens, whose names were submitted to the Committee on the Judiciary of the House of Representatives by the Department of State after passage of the joint resolution by the House of Representatives.

STATEMENT OF FACTS

The following information concerning the joint resolution was contained in House Report 2660 (84th Cong., 2d sess.):

HISTORY

During the latter part of the 83d Congress, and early in the 84th Congress, representatives of the Department of State and members of Subcommittee No. 1 of this committee informally discussed the problem of alien spouses and children of United States citizens who are inadmissible to the United States because of affliction with tuberculosis. As a result of those discussions, it was decided that the Department of State should submit full and complete documentation regarding each case in which they recommended that legislation be enacted in order to avoid the separation of United States citizens from their families.

Prior to approving similar legislation (Private Law 242, 84th Cong., 1st sess.) the committee asked the Department of Health, Education, and Welfare to submit a report on the problem of the admission of relatives of United States citizens who were afflicted with tuberculosis. That report was a part of House Report No. 702, 84th Congress, and it is reprinted below.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
May 4, 1955.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1,
House Committee on the Judiciary.

DEAR MR. CHAIRMAN: This is in response to the recent requests of your committee for a report on H. R. 879, H. R. 914, H. R. 1087, H. R. 1092, H. R. 1098, H. R. 1167, H. R. 1391, H. R. 1938, H. R. 2042, H. R. 2253, H. R. 2475, H. R. 2491, H. R. 2530, H. R. 2786, H. R. 3028, H. R. 3029, H. R. 3052, H. R. 3061, H. R. 3191, H. R. 3345, H. R. 3620, H. R. 3536, H. R. 3838, H. R. 4154, H. R. 4593, and H. R. 4469, private relief bills, which would waive the exclusion clause contained in section 212 (a) (6) of the Immigration and Nationality Act prohibiting the admission of aliens afflicted with certain diseases. We understand that the disease involved in the cases covered by these bills is tuberculosis.

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The committee is, we understand, concerned with the public health hazard, if any, which would be involved in the enactment of these and similar private relief bills. Our comments on these bills therefore are confined to their public health aspects.

Medical officers of the Public Health Service examine visa applicants at the major consulates in Europe to determine from a medical standpoint, the eligibility of the alien to receive a visa to migrate to the United States. These medical examinations, while sufficiently extensive to ascertain the presence of excludable diseases or conditions, among which is tuberculosis, are not sufficiently detailed to reveal the degree of infectiousness or the extent to which a person may constitute a hazard within a community.

It is difficult, if not impossible, because of indeterminate factors, to appraise accurately the health hazard involved in permitting persons suffering from tuberculosis to settle in a particular community. The Public Health Service can, however, recommend on the basis of medical knowledge provisions for continued medical observation and care of such persons as so to minimize or preclude the danger of the spread of the disease.

In the case of aliens afflicted with tuberculosis and entering the United States by special arrangement, a period of hospitalization should be required to permit a complete study and evaluation of each case. Although the necessary period of hospitalization may vary from case to case, a minimum period of 3 months should be required to enable the hospital authorities to determine whether the particular alien should be hospitalized for inpatient treatment, discharged, or discharged to outpatient care under adequate precautions and supervision to protect the public health.

As cases of active tuberculosis are of concern to local health departments and are required to be reported, notification should be made to the directors of the respective State health departments of any such aliens with active tuberculosis residing in their communities.

Should these bills be given favorable consideration by your committee, we would suggest that the admission of these aliens be made subject to such terms and conditions with respect to care, hospitalization, and maintenance as the Attorney General may prescribe after consultation with the Surgeon General of the United States Public Health Service. This recommendation would, we believe, provide for a maximum of administrative flexibility in establishing adequate public-health safeguards to minimize the risk, or degree of risk, of contagion involved in each individual case.

Sincerely yours,

ROSWELL B. PERKINS,
Assistant Secretary.

GENERAL INFORMATION

There are 25 names listed in this joint resolution and complete documentation in each case was submitted to the Committee on the Judiciary by the Director of the Visa Office, Department of State. Those files are in the custody of the Committee on the Judiciary and are available for inspection by Members of the House of Representatives.

This resolution waives the provision of section 212 (a) (6) of the Immigration and Nationality Act in behalf of 25 persons and provides for their admission to the United States if they are found to be otherwise admissible under that act "under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose." The bill also provides that a bond be posted in behalf of each alien as surety that he will never become a public charge. Each of the persons listed in the resolution is the spouse or child of a citizen of the United States.

The committee believes that the language of this joint resolution provides the necessary assurance that each beneficiary will submit to treatment for tuberculosis as long as such treatment is necessary, and that it provides for ample health safeguards as suggested by the Department of Health, Education, and Welfare as suggested in the above-quoted report.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 662), as amended, should be enacted.

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Calendar No. 2790

84TH CONGRESS, 2d Session — SENATE — REPORT No. 2742

WAIVING CERTAIN PROVISIONS OF SECTION 212 (a) OF THE IMMIGRATION AND NATIONALITY ACT IN BEHALF OF CERTAIN ALIENS

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 680]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 680) to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens, having considered the same, reports favorably thereon with amendments and recommends that the joint resolution, as amended, do pass.

AMENDMENTS

1. On page 1, strike out lines 3 through 10, inclusive, and insert in lieu thereof the following:

> That, notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Maria Di Benedetto and Elda Mondillo may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited in each case as prescribed by section 213 of the said Act.

2. On pages 1 and 2, strike out all of section 2.

3. Renumber sections 3 through 11 as sections 2 through 10.

4. On page 2, line 10, after the number "(9)", insert the word and number "and (12)".

5. On page 3, line 20, strike out the name "Mrs. Anneliese Martin (nee Fesslmayer)".

6. On page 4, line 2, strike the name "Dickerson", and insert in lieu thereof the name "Dickson".

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PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to waive certain excluding provisions of existing law in behalf of 40 aliens who are close relatives of United States citizens or lawfully resident aliens. The joint resolution also provides for the admission into the United States of two aliens who are the fiances of United States citizens, notwithstanding grounds for exclusion. The joint resolution has been amended to delete two cases which were included in the joint resolution as it passed the House of Representatives. It has also been amended to correct the spelling of one name.

STATEMENT OF FACTS

The following information concerning each case included in the joint resolution, as amended, was included in House Report 2707 (84th Cong., 2d sess.).

Miss Maria Di Benedetto—H. R. 6008, by Mr. Rooney

The beneficiary is a 21-year-old native of Tunisia who is a citizen of Italy and resides in that country. Her mother is a permanent resident of the United States. She is ineligible to receive a visa because she has been found to be mentally deficient. The beneficiary resides with a married sister in Tunisia and also has one brother who resides in that country. Three brothers reside in the United States, one of whom is a United States citizen.

The pertinent facts in this case are contained in reports from the Commissioner of Immigration and Naturalization, and the Director of the Visa Office, Department of State, which read, respectively, as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 24, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6008) for the relief of Miss Maria Di Benedetto, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provisions of section 212 (a) (4) of the Immigration and Nationality Act, which excludes from admission into the United States aliens who are afflicted with a mental defect, if she is found to be otherwise admissible under the provisions of that act. The bill further provides that admission shall be conditioned upon the depositing of a suitable and proper bond or undertaking pursuant to section 213 of the said act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MISS MARIA DI BENEDETTO, BENEFICIARY OF H. R. 6008

Information concerning the beneficiary of the bill was furnished by her mother, Mrs. Angela Di Benedetto, a permanent resident of the United States.

The beneficiary, Miss Maria Di Benedetto, born January 10, 1935, is a native of Tunisia and a citizen of Italy. She is single and resides with a married sister in Tunis, Tunisia. Her mother furnishes $20 a month for the support of the beneficiary. Miss Di Benedetto has 4 brothers, 1 of whom resides in Tunisia and the other 3 in New York City. One of the latter is a citizen and the other two are permanent residents of the United States.

The beneficiary in 1952 applied at the United States consulate in Tunis, Tunisia, for a visa to enter the United States for permanent residence. After an examination she was found to be mentally deficient and therefore inadmissible into this country.

Mrs. Angela Di Benedetto, a 59-year-old widow resides at 70 Fourth Place, Brooklyn, N. Y. She is employed as a garment operator by Anthony Concotta, 531 Henry Street, Brooklyn, N. Y., and receives a salary of $35 a week. Her assets consist of cash savings and personal property valued at $4,000.

DEPARTMENT OF STATE,
Washington, August 17, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of May 7, 1955, and its enclosures, wherein you requested a report of the facts in the case of Miss Maria Di Benedetto, beneficiary of H. R. 6008, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Tunis, Tunisia, states that Miss Di Benedetto, her mother and two brothers were registered at that office on June 22, 1950, under the French quota as prospective immigrants to the United States. Their turn on the waiting list was reached in February 1951, and immigration visas were issued to all except Miss Di Benedetto, who was found by medical examination to be a mental defective and inadmissible to the United States under section 3 of the act of February 5, 1917. The vice consul in charge of issuing visas explained to Mrs. Di Benedetto before her departure from Tunis that, so long as section 3 of the act of February 5, 1917, remained in effect, it was unlikely that her daughter would qualify for an immigrant visa to the United States.

Shortly after her arrival in the United States, Mrs. Di Benedetto began efforts to have here daughter join her. She wrote to the consulate general, appealing for the issuance of a visa, and she asked the assistance of other persons. The consulate general replied to all correspondence that Miss Di Benedetto, as a mental defective, was ineligible under American immigration laws to receive an immigrant visa to the United States.

An application to allow Miss Di Benedetto to enter the United States as a nonimmigrant for psychiatric treatment was filed at the Consulate General by Mrs. Di Benedetto in July 1953. The Consulate General questioned the bona fides of this application for nonimmigrant visa status, as there was every reason to suspect that an attempt would be made to keep Miss Di Benedetto in the United States permanently. Most of her immediate family, including her mother and two brothers, were living in the United States, and the relatives in Tunis taking care of her, were, and are now, applicants for immigration to the United States. The Consulate General decided that under these circumstances Miss Di Benedetto failed to meet the requirements for issuance of a nonimmigrant visa.

A recent careful review of the entire case by the consular officer has resulted in a finding that Miss Di Benedetto is still ineligible to receive a visa under the provisions of section 212 (a) (1) of the Immigration and Nationality Act. In this connection there is enclosed a copy of a communication dated July 18, 1955, from the American Consulate General at Tunis, Tunisia.

At this time the Department has no knowledge of any factor in Miss Di Benedetto's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Elda Mondillo—H. R. 8451, by Mr. Walter

The beneficiary is a 32-year-old native and citizen of Italy who resides in that country with her grandmother. Her father is a citizen of the United States and her mother is a lawfully resident alien. The beneficiary has been found inadmissible to the United States because she has been adjudged to be feeble-minded.

The pertinent facts in this case are contained in the below quoted reports from the Commissioner of Immigration and Naturalization and from the Director of the Visa Office, Department of State.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 8, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8451) for the relief of Elda Mondillo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are mentally defective and would authorize the alien's admission for permanent residence if she is otherwise admissible under that act.

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The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELDA MONDILLO, BENEFICIARY OF H. R. 8451

Information concerning this case was obtained from the beneficiary's parents, Mr. and Mrs. Mondillo.

The beneficiary was born on May 18, 1924, at Parghelia, Catanzaro, Italy. She is single and resides with her grandmother at Parghelia, Catanzaro, Italy. She has one sister who resides in Tarquinia, Italy. The beneficiary has never attended school nor been employed and is dependent upon her parents for support.

The beneficiary has never been in the United States. An application for an immigrant visa filed in her behalf at the American Consulate in Naples, Italy, in 1954 was denied as she was found to be feeble-minded.

The beneficiary's parents were married in Italy on August 21, 1919. They reside in Easton, Pa. Her father, Giovanni Battista Mondillo, is a citizen of the United States. He was born on March 30, 1897, at Parghelia, Catanzaro, Italy. He was admitted to United States citizenship at Easton, Pa., on November 23, 1953. Mr. Mondillo has been employed as a laborer at the Sanco Piece Dye Works, Phillipsburg, N. J., since 1946. His present salary is $85 weekly. The beneficiary's mother, Maddaleno Mondillo, is a citizen of Italy. She was born in Italy on June 7, 1902. She was admitted to the United States for permanent residence in 1951, and is employed as a hand sewer by the Easton Trouser Co., Easton, Pa., at a salary of $65 weekly. Mr. and Mrs. Mondillo's assets consist of real estate valued at $10,000 and $5,600 in a cash savings account.

The beneficiary's parents state that the beneficiary had measles when a child which affected her mind. However, she is able to take care of herself and perform household duties.

DEPARTMENT OF STATE,
Washington, March 28, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 24, 1956, requesting a report of the facts in the case of Elda Mondillo, the beneficiary of H. R. 8451 which was introduced by Mr. Walter on January 12, 1956.

The files of the Department contain a report dated March 2, 1956, from the consulate general at Naples, Italy, containing the following information:

"The records of the consulate general show that on September 14, 1954, the United States Public Health Service neuropsychiatric consultant, Robert A. Esser, diagnosed subject's condition as mental deficiency class A. An immigrant visa was therefore refused to her

under the provisions of section 212 (a) (1) of the Immigration and Nationality Act.

"Following is an extract of Dr. Esser's report which the Department may wish to make known to the Committee on the Judiciary of the House of Representatives, in connection with H. R. 8451 introduced by Congressman Francis E. Walter under date of January 12, 1956, for the relief of Elda Mondillo:

" 'It is my feeling that this applicant is operating at a mentally deficient level at the present time which is sufficiently low to exclude her. It may be that this is largely situational and that with some schooling and assistance she may be able to pass. However I am sure that it will take at least a year of sincere efforts to accomplish this and she should not be seen prior to this time and only if she can give some evidence of having extended her presently very restricted intellectual abilities.

" 'I am therefore classifying her as a Mental Deficiency, Idiopathic, Moderate, 000–y902.' "

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Brunhilde Kruschewski.—H. R. 6827, by Mr. Vorys.

The beneficiary is a 28-year-old native and citizen of Germany who is the fiancee of a citizen of the United States who is presently serving in the United States Army. She has been found ineligible to receive a visa to enter the United States because of convictions of crimes involving moral turpitude.

The pertinent facts in this case are contained in a letter dated January 12, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 12, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6827) for the relief of Brunhilde Kruschewski, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to this beneficiary by the Cincinnati, Ohio, office of this Service which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, and authorize the issuance of an immigrant visa to the beneficiary if she is found to be otherwise admissible. It further provides that this waiver shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment. The bill also provides that the marriage of the beneficiary to her United States citizen fiance, Sgt. James E. Green, must occur not later than 6 months following the date of the enactment of the act.

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It should be noted that the bill fails to contain an alternative provision in the event the marriage does not take place.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE BRUNHILDE KRUSCHEWSKI, BENEFICIARY OF H. R. 6827

Information concerning the case was obtained from Sgt. James E. Green, the beneficiary's fiance.

Brunhilde Kruschewski was born on February 27, 1928, at Berlin, Germany. She is single and has one child, Maria Francis Kruschewski, who was born on January 21, 1955, in Berlin, Germany. Sergeant Green has acknowledged that he is the father of the beneficiary's child, and states that he has registered her birth with the United States consulate in Germany. The beneficiary, who is not employed, resides with her daughter at 56 Kaiser Wilhelm Strasse, Berlin, Germany, and is supported by Sergeant Green. She has no assets other than her furniture and personal effects. Her mother is deceased, and her father was taken away by the Nazis and was never seen again.

Sgt. James E. Green was born on June 7, 1930, at Columbus, Ohio. Since 1948 he has been serving in the United States Army and is now a sergeant, first class, assigned to Headquarters and Service Company, ARTC, 2d Regiment, Fort Knox, Ky. His base pay is $208 per month and he has no other income or assets. His parents were divorced in 1947 and both have remarried. Sergeant Green completed the 10th grade in school and intends to make a career of Army service. Sergeant Green was arrested at Greencastle, Ind., in May 1951 as a hit-and-run driver, and was fined $100.

Sergeant Green has testified that he met the beneficiary in 1951 when he was stationed in Germany and that in the spring of 1952 they began living together as man and wife. He stated that they could not obtain permission from the military authorities to marry because the beneficiary was unable to obtain a visa. Sergeant Green stated that to his knowledge the beneficiary had been arrested by United States personnel in Germany after being caught in an unauthorized area and again for failing to appear in court after "sassing" a military policeman. He further stated that he believed she had been arrested and tried in a German court, but that he did not know what she was arrested for, or the disposition of the case. Sergeant Green advised that he is able to support the beneficiary and their child and that if anything should happen to him, his parents would assume responsibility for their support.

The beneficiary was apparently refused a visa by the American consulate in Berlin, Germany, sometime in 1955. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

The Director of the Visa Office, Department of State, submitted a report on this case which reads as follows:

DEPARTMENT OF STATE,
Washington, June 11, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of July 1, 1955, requesting a report of the facts in the case of Brunhilde Kruschewski, the beneficiary of H. R. 6827 which was introduced by Mr. Vorys on June 14, 1955.

The files of the Department contain information received from the American consulate at Berlin and from the American consulate general at Frankfort, Germany, indicating that in connection with an inquiry received from the United States Armed Forces relating to a marriage application of Sergeant James E. Green, the conclusion was reached on September 24, 1954, that Miss Kruschewski was ineligible to receive a visa under the provisions of section 212 (a) (9) and (12) of the Immigration and Nationality Act. This conclusion was based upon the following criminal record relating to Miss Kruschewski.

On January 17, 1947, she was sentenced to a term of 8 months imprisonment by a local court at Berlin/Lichterfeld for simple larceny and embezzlement.

On July 29, 1947, she was sentenced to a term of 6 months imprisonment by the local court at Berlin/Charlottenburg for simple larceny.

On September 20, 1949, she was sentenced to a term of 18 months imprisonment by the local court at Berlin/Lichterfeld for repeated theft and embezzlement.

Miss Kruschewski was also sentenced on March 8, 1947, to a term of 6 months imprisonment by a United States military court at Berlin/Lichterfeld for a breach of public order, and on July 13, 1951, she was sentenced to a term of 3 months imprisonment by an American court at Berlin/Lichterfeld for contempt of court.

The report indicates that with respect to the question of Miss Kruschewski's ineligibility to receive a visa under section 212 (a) (12) of the act, it was subsequently concluded that the evidence was insufficient to support such finding. However, as of possible interest to the committee there is enclosed a copy of a translation of the health report relating to her medical examination.

The Department encloses copies of court records received from the consulate at Berlin relating to Miss Kruschewski.

Sincerely yours,

ROLLAND WELCH, *Director, Visa Office.*

The enclosures referred to in the above-quoted letter are in the custody of the Committee on the Judiciary.

SECTION 4

The 19 beneficiaries of this section, with the exception of the 3 referred to below, are spouses of United States citizens.

Unto Aro and Louis Hoekveld are spouses of lawfully resident aliens in the United States, and Hans Hirth is the son of lawfully resident aliens.

All of the beneficiaries of this section have been found ineligible to receive visas to enter the United States for permanent residence in

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view of the fact that they have been convicted of crimes involving moral turpitude.

Departmental reports in each case, and such additional information as was submitted to the committee, appear below in the order that those cases appear in this section.

Giovanni Delli Carpini—H. R. 6948, by Mr. Donovan

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 11, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6948) for the relief of Giovanni Delli Carpini, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, and would authorize the alien's admission for permanent residence, if he is otherwise admissible under that act. The bill further provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GIOVANNI DELLI CARPINI, BENEFICIARY OF H. R. 6948

Information concerning this case was furnished by Mrs. Angela Delli Carpini, the beneficiary's spouse, a citizen of the United States, who resides at 343 East 109th Street, New York, N. Y.

The beneficiary, Giovanni Delli Carpini, is a native and citizen of Italy, who was born on January 4, 1913. He was married to the sponsor in Gallo, Italy, on November 19, 1939. They have 3 children, 14, 9, and 6 years of age, respectively, who were born in Italy and reside there with their father. Mr. Carpini's occupation is farming. His income from the farm is the equivalent of $100 yearly. He has no assets. The beneficiary was convicted of stealing firewood in 1933 in Capriata, Italy, for which offense he was fined 200 lire and given a suspended sentence of 20 days. Mr. Carpini was refused a visa by an American consul in Italy because of this conviction.

Mrs. Carpini, nee Rocchio, was born in Kokomo, Ind., on March 1, 1919. She was taken to Italy in 1920 and resided there until her return to the United States in February 1954. She is employed as a sewing-machine operator by Semo Ciapretta, 210 East 128th Street, New York, N. Y., and earns $38 per week. Her assets in the United States consist of a savings bank account in the amount of $900, and clothing and personal effects valued at $500.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, for information concerning refusal of a visa to the beneficiary and whether section 4 of Public Law 770 of September 3, 1954, is applicable.

DEPARTMENT OF STATE,
Washington, March 1, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 3, 1956, requesting a report of the facts in the case of Giovanni Delli Carpini, the beneficiary of H. R. 6948 which was introduced by Mr. Donovan on June 21, 1955.

The Department's files contain a report dated January 5, 1955, from the consulate general at Naples, Italy, indicating that Giovanni Carpini was found to be ineligible to receive a visa by reason of a conviction in an Italian court for theft in violation of articles 81 and 624 of the Italian Penal Code. The Department encloses two copies of a translation of the court record and of translations of the applicable provisions of the Italian statute. The offense involved the theft of wood when Mr. Carpini was 20 years of age.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

I, Charles T. Warner, vice consul of the United States of America at Naples, Italy, duly commissioned and qualified, do hereby certify that the annexed is a true and faithful copy of articles Nos. 81 and 624 of the Italian Penal Code, the same having been carefully examined by me and found to agree therewith word for word and figure for figure.

In witness whereof I have hereunto set my hand and official seal this 5th day of November 1954.

[SEAL]

CHARLES T. WARNER,
Vice Consul of the United States
of America at Naples, Italy.

[Translation, Italian]

DEPARTMENT OF STATE

DIVISION OF LANGUAGE SERVICES

Pretura Capriati a Volturno

In the name of His Majesty Vittorio Emanuele III, by the grace of God and the will of the nation, King of Italy

The pretore of Capriati a Volturno has pronounced the following decision at the hearing of November 6, 1933–XII, in the criminal case against Giovanni Delli Carpini, son of Antonio [Delli Carpini], age 20 years, of Gallo.

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CHARGED

(*a*) With the crime referred to in articles 81 and 624, last paragraph, of the Penal Code, for having on several occasions appropriated a number of beech trees to the detriment of the *comune* of Letino, [and]

(*b*) Violation of articles 26 and 28 of the forestry law, since the locality was subject to the restrictions thereof;

In the area around Letino, on June 12, 1933–VI, and previous thereto. Pursuant to the hearing on this date [and] having heard the public prosecutor, the defense, and the defendant himself;

FACT AND LAW

On the basis of a report of the forestry militia of Letino, proceedings were instituted against the defendant in this case for the crimes charged against him. In today's hearing the defendant protested his innocence, declaring that he had gathered up some deadwood found on the ground and that the accusation was brought against him when he had already removed the firewood. [Militiaman] Boniello, who submitted the report, confirmed his report, pointing out that the defendant confessed that he had taken the firewood, but only stated that he had found it already felled; the firewood appeared to have been cut about a month, the trunks had been cut up into lengths for easier transportation, and the damaged timber was found in the woods because the militia went to Letino only in the month of May. In view of the foregoing it appears clear that there can be no doubt as to the defendant's guilt. The report states that since several beech trees were found to have been cut down, the militia conducted a search and succeeded in locating 50 lengths of beechwood on the property of the defendant, "corresponding to the cutting of some months before, since they corresponded to the dimensions of the trees found felled and removed." Another 25 lengths were found concealed under a dried tree bough in the defendant's farmhouse; he at first attempting denial and then "ended by confessing to us that he had cut and removed them." Militiaman Colucci further specified that when he asked the defendant whether he had cut down the trees, "he immediately said that he wanted to be pardoned, because it was the first time." To try to raise any doubt as to the guilt of the defendant, would be an absurdity.

The forestry militiamen were nowhere about, and the defendant took advantage thereof of that fact to lay in a good supply of firewood. The trees cut and the lengths of wood found correspond as to kind [of tree] and dimensions; they had also been concealed, and there is no ground for believing the defendant when he states that he found them cut down, because if that argument were accepted in that way all wood thieves would be able to escape the necessary penalties, since it would be too easy for them to excuse themselves. But the defendant confessed his guilt to Witness Colucci, as we have stated above. It is therefore necessary to affirm the guilt of the defendant and, starting with the 15 days' imprisonment, to inflict on him 20 [more] days of the same penalty and a 200-lire fine, taking into account the repetition [of the offense], but it is considered advisable to suspend execution of the sentence in view of the [defendant's] youth and of the legal precedents permitting such suspension.

Therefore, in view of article 483 of the Code of Criminal Procedure, the pretore declares Giovanni Delli Carpini guilty of the crimes ascribed to him in the charges and sentences him to the penalty of 20 days' imprisonment and a 200-lire fine, as well as payment of the sentence fee and court costs. He orders suspension of the execution of the penalty in accordance with law.

[Signed] DE LISI,
Pretore.

[Signed] FARINARO,
Clerk of the Court.

The present true copy of its original is issued at the request of Mr. Giovanni Delli Carpini for use in emigration for the purpose of obtaining work.

CAPRIATI A VOLTURNO, *September 26, 1954.*

[Signed] U. Coscia,
UMBERTO COSCIA,
Chief Clerk of the Court.

[Stamp of the Pretura of Capriati a Volturno].

Article 81. (Several violations of one or more legal provisions by one or more acts; repeated offense): Any person who, by a single act or omission, violates several provisions of the law or commits several violations of the same provision of law, shall be punished in accordance with the preceding articles.

The provisions of the preceding articles shall not be applied to anyone who, by several actions or executory omissions with the same criminal intent, commits, even on different occasions, several violations of the same legal provision, even if they be of different gravity.

In such case, the different violations shall be considered as one single offense, and the punishment inflicted shall be that prescribed for the gravest of the violations committed, increased up to threefold.

Article 624. (Theft): Whoever appropriates the personal property of others by taking it away from the possessor with the intent of deriving benefit therefrom for himself or for others, shall be punished by imprisonment (23) for not more than three years and a fine (24) of from three hundred to five thousand lire.

For the purposes of the criminal law, electric power and any other form of power having an economic value shall also be considered personal property (625, 626, 649).

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 25, 1956.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee, Washington, D. C.

DEAR MR. CHAIRMAN: Enclosed is a copy of the bill (H. R. 6948) which I introduced for the relief of Giovanni Delli Carpini. I would appreciate it if you would request a report on this bill.

Mrs. Angelina Delli Carpini (American born, United States citizen) resides at 343 East 109th Street, New York City. She informed me that her husband had been convicted in 1933 for cutting firewood on state property without a permit.

The American consul at Naples, Italy, where the case has been pending wrote me: "Mr. Delli Carpini's case has been carefully reexamined, but the consulate general has no alternative but to con-

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sider that his case continues to fall within the purview of section 212 (a) (9) of the Immigration and Nationality Act and that in spite of the provisions of Public Law 770, section 4, Mr. Delli Carpini is still mandatorily excludable from the United States."

Very sincerely yours,

JAMES G. DONOVAN.

Mrs. Agnes Hassey—H. R. 8012, by Mr. Byrne of Pennsylvania

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 26, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8012) for the relief of Mrs. Agnes Hassey, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude and would authorize the alien's admission for permanent residence if she is otherwise admissible under that act. The bill further provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. AGNES HASSEY, BENEFICIARY OF H. R. 8012

Information concerning this case was obtained from the beneficiary's husband, Walter Lee Hassey.

The beneficiary, whose maiden name was Agnes Kirchmair, is a native and citizen of Austria. She was born on February 29, 1920, in Innsbruck, Austria. She married Walter Lee Hassey at Innsbruck, Austria, on April 30, 1955. The beneficiary has one child, Johnnie Joseph Kirchmair Hassey, who was born on December 18, 1948, in Vienna, Austria, and is a citizen of that country.

The beneficiary's parents, 2 brothers, and 2 sisters reside in Austria. She completed high school in her native country and was thereafter employed for 10 years as an interpreter in the English, French, Italian, Russian, and Polish languages. She is presently unemployed and dependent upon her husband for support.

The beneficiary has never been in the United States. She resides in Innsbruck, Austria. On May 10, 1955, she applied at the American consulate in Salzburg, Austria, for an immigrant visa. However, she was refused such visa on the ground that she had been convicted of a crime involving moral turpitude.

The beneficiary's husband, Walter Lee Hassey, is a citizen of the United States. He was born on May 23, 1932, at Philadelphia, Pa.

Mr. Hassey enlisted in the United States Army on December 9, 1952, and served in Austria, where he met the beneficiary. He was honorably discharged at Camp Kilmer, N. J., on November 10, 1954, with the rating of private first class. Following Mr. Hassey's discharge from the United States Army, he returned to Austria where he married the beneficiary and adopted her son. Mr. Hassey returned to the United States in November 1955, accompanied by his adopted son, who was admitted for permanent residence. They presently reside at 1111 North Lee Street, Philadelphia, Pa. Mr. Hassey is employed as a welder by the Allen Equipment Co. of Philadelphia, Pa., at a weekly salary of $80. His assets, consisting of personal property, are valued at $1,750.

The committee may wish to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary.

DEPARTMENT OF STATE,
Washington, January 27, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: I refer to your letter of January 12, 1956, requesting a report of the facts in the case of Mrs. Agnes Hassey, the beneficiary of H. R. 8012, which was introduced by Mr. Byrne on January 3, 1956.

The files of the Department contain a report dated October 12, 1955, from the consulate at Salzburg, Austria indicating that Mrs. Hassey was convicted on February 17, 1939, by the district court of Innsbruck for embezzlement and sentenced to 5 days in prison; on December 27, 1939, she was convicted by the land court of Innsbruck for minor theft and embezzlement and sentenced to 4 months in jail; on September 21, 1948, she was convicted by the same court for minor theft and sentenced to 2 weeks in jail; on May 11, 1950, she was convicted by the land court, Salzburg, for minor theft and sentenced to 4 months in jail. The report also indicates that she was convicted on June 3, 1946, of falsification of documents and sentenced to 2 months in jail.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 28, 1956.

Re H. R. 8012, Mrs. Agnes Hassey.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: For the consideration of your committee, I am attaching a copy of an appealing letter which I just received from Mrs. Hassey.

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Also for your consideration, I am enclosing a copy of a letter I received from the American consul at Munich about a month ago, which I think will bring you up to date as to Mrs. Hassey's police record.

I should appreciate your advice as to whether or not favorable action can be expected on H. R. 8012.

With best wishes, I am,

Sincerely,

JAMES A. BYRNE,
Member of Congress.

INNSBRUCK, *May 21, 1956.*

DEAR MR. JAMES A. BYRNE: Excuse me please that I write to you today, but I am so much worried about my case. I am married to Mr. Walter Lee Hassey, Philadelphia 25, Pa., 2015 Tulip Street. You have been so very kind to help us in our case, so I could come to the States, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act.

At the January 3, 1956, you made a bill, H. R. 8012, for the Congress in Washington so I could come to my husband and my child, which is in Philadelphia already with my husband.

Dear Mr. Byrne, I would like to ask you how long you think it still will take till the Congress decide about this. The mother of my husband is very sick now, and she won't be able to take care of our son, Johnnie. He is in the age of 8 years and must go in the school, and now she is thinking of sending our son back to me, to Austria.

Dear Mr. Byrne, if I soon could come to my husband and child, so I think my mother-in-law wouldn't have to take Johnnie out of the school, because I could take care of him then. It would be very difficult for our son now to send him to me, to Austria. At first he would have to stop the school in which he is now since November 1955, and then when he would be back in Austria, of course, he would forget what he did learn now in this time while he went in the school. At the second, he also would forget much of English in the time when he is in Austria again.

Sir, that's why I could like to ask you to help us, if you can, and if there would be any possibility to hurry our case a little and get a favorable action on our bill.

Sir, I also would like very much to be with my husband because I love him very much and it hurt bad to be away from him so long. Sir, I did not get married only so I could come to the States, I did get married because I love my husband with all my heart. Of course, of what my husband told me, and what I did read and heard about the States, it must be the greatest country in the world. I also know you could not let everybody come to the States, but I also don't think you will keep a happy family apart, just because I made some mistakes years ago. I do feel so sorry for it now that I would give years of my life if I could make it not happen, so I could be a long time ago with my family I love so much.

Sir, I am waiting now for my husband since he left the Army in October 1954. Yes, sir, I know many wives must wait for their husbands while they are in the Army and I am willing to wait for my husband and my child if I only know someday I can be with my family. It just hurt twice as much to be away from my child and my husband.

Our little son also is homesick after his mommy as he never has been away from me. But I am very glad he likes it so much in Philadelphia and he told his Daddy he don't want to go back to Innsbruck. Philadelphia is much better, he said. And when he left Austria with my husband he hardly did know any English. Now he is in the second grade in the school.

Dear Mr. Byrne, I want to excuse myself again for boring you with my letter and also for some mistake I made in writing of English. I also want to thank you very much for so much you have been doing for us already.

I will close now and I would like to beg you with all my heart that you would help us a little more, so I soon could be with my family, and I would be the happiest woman in the world.

Thank you again, I am,

Sincerely,

AGNES HASSEY.

P. S.—I would be very happy if you would answer this letter.

THE FOREIGN SERVICE OF THE UNITED STATES,
AMERICAN CONSULATE GENERAL,
Munich, Germany, April 16, 1956.

Hon. JAMES A. BYRNE,
House of Representatives,
Washington, D. C.

MY DEAR MR. BYRNE: I refer to your letter of April 9, 1956, concerning Mrs. Agnes Hassey, the wife of Mr. Walter Lee Hassey, of 1015 East Tulip Street, Philadelphia, Pa.

We have been informed by the German police authorities that Mrs. Hassey was sentenced to 6 weeks imprisonment on April 13, 1956, on a charge of theft.

The grounds for the conviction were that she had stolen 200 deutschemarks ($47.62) from a Canadian soldier in a bar. She is due to be released from prison on April 20.

If we can be of any further service in this matter, please let us know.

Sincerely yours,

J. RAYMOND YLITALO,
American Consul.

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

AMERICAN CONSULATE,
Salzburg, Austria, August 24, 1955.

Mrs. AGNES HASSEY,
Innsbruck, Austria.

DEAR MRS. HASSEY: I refer to your application for a United States nonquota immigration visa filed at this consulate on August 22, 1955.

I regret to inform you that your visa was refused by this office on August 24, 1955, on the grounds that you have been found ineligible to receive a visa under the provisions of section 212 (a) (9) of the Immigration and Nationality Act.

Your police certificate indicates that you were convicted several times by competent courts for offenses which contain elements of

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moral turpitude, specifically, under paragraphs No. 171, 173, 176 and 461 (201) of the Austrian Penal Code. Unless the courts which convicted you certify that you were not guilty of the offenses or unless you obtain relief from the impediment imposed by section 212 (a) (9) of the Immigration and Nationality Act by means of private legislation by the Congress of the United States, this consulate must continue to maintain its refusal of your visa.

I regret having to render such an unfavorable report, but wish to assure you that you were given every consideration consistent with existing visa laws and regulations.

Please find enclosed an Austrian postal money order for 650 Austrian schillings, which is a return of the visa fee you deposited with this office. Also enclosed is your Austrian passport No. 460415.

Very truly yours,

RONALD E. LOUBERT,
American Vice Consul.

PHILADELPHIA, PA., *December 30, 1955.*

MY DEAR MR. BYRNE: Would you be ever so kind to help us, your help of which would be greatly appreciated by my family and I.

My wife was refused a visa by our American consulate located Residenzeplatz I, Salzburg, Austria, on August 24, 1955, under provisions of section 212 (a) (9) of the Immigration and Nationality Act, which concerns aliens who committed offenses involving moral turpitude. Following are the offenses concerned:

1. During the war she made application for and received extra ration cards of which was unlawful. She used the latter to obtain food for her sick grandfather who had cared for her since she was a child. She pleaded guilty and was released on good behavior.

2. At the close of the war she was working in Vienna, Austria, and was issued a temporary travel permit by United States Occupation Forces. Unfortunately 1 day before expiration date of travel permit, my wife received a telegram that her grandfather was very ill. She left Vienna by train to Innsbruck where her grandfather lives, which be train is well over 400 miles. She recalled that her permit would by invalid at midnight, and could not complete such a trip by midnight. In her determination to reach her grandfather, she altered the date. Midway between Vienna and Innsbruck is the city of Salzburg, her permit was checked by United States military police, found altered, received trial, found guilty, received 2 months' sentence. Later released before fulfillment of said sentence on good behavior.

3. Year 1949 she was convicted of theft of money to the value of approximately $80. Trial was held in year 1950; found guilty of offense, received sentence.

Please sir, try to understand, my wife did not commit these offenses for her own benefit. She was thinking only of her grandfather who had done his best for her in the past.

To date my wife is caring for and living with her grandfather, Joseph Muller, age 80 years, address, Pradlerstr, II/I, Innsbruck, Austria. If my wife receives private legislation which will then permit my wife a visa to join our son and I here in the United States then arrangements will be made for his son to care for him or placement in a home for the aged.

80895—56——2

My wife, Agnes Hassey (Kirchmair) date of birth February 29, 1920. Born in Innsbruck, Austria. Address same as above, was married to me on April 30, 1955, according to civil law and by Church of Christ, Innsbruck, Austria.

I adopted my wife's child prior to our marriage. Decree granted on February 2, 1955, by the district court of justice of Innsbruck.

I returned to the United States with our child, Johnnie Joseph Hassey, on November 23, 1955, at the port of New York. We are living with my mother at 1111 North Lee Street, Philadelphia, Pa.

Please sir, please help to bring my family together here in our country. My wife is just everything to both my son and I. If you and Congress will be only so merciful toward us, we would be forever indebted to you and Members of Congress.

Sincerely yours,

MR. AND MRS. WALTER L. HASSEY.

Mrs. Pamela Briggs—H. R. 8031, by Mr. Gathings

HOUSE OF REPRESENTATIVES,
Washington, January 6, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I am enclosing a copy of H. R. 8031, a bill for the relief of Mrs. Pamela Briggs which I introduced on the first day of this session, and also a letter which I have received from the American Consul General in London mentioning that Mrs. Briggs' application for an immigrant visa has been refused under the provisions of section 212 (a) (9) of the Immigration and Nationality Act. Attached, as well, is a letter which I have received from Mrs. Briggs concerning the circumstances of her offenses and a letter from Mr. Briggs.

It would be greatly appreciated by me, as well as by Mr. and Mrs. Briggs, if the necessary reports could be obtained on this case as rapidly as possible and every expeditious step be taken by your committee in consideration of this measure.

With the very kindest regards, I am

Yours sincerely,

E. C. GATHINGS.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 11, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8031) for the relief of Mrs. Pamela Briggs, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Memphis, Tenn. office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens

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who have been convicted of or admit the commission of a crime involving moral turpitude, and would authorize the alien's admission for permanent residence, if she is otherwise admissible under that act.

The exemption granted the beneficiary is limited to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. PAMELA BRIGGS, BENEFICIARY OF H. R. 8031

Information concerning the case was obtained in affidavit form from the beneficiary and her husband, Curtis Doyle Briggs.

The beneficiary, whose maiden name was Rivett, is a native and citizen of England and was born on July 9, 1935 in Parson Drove, near Wisbeck, Cambs, England. She married Curtis Doyle Briggs, a citizen of the United States, on March 20, 1954 in Parson Drove, and they have two children, Curtis Doyle Briggs, Jr., and Glen David Briggs. Neither the beneficiary or her husband was married previously. The beneficiary has never been in the United States. She resides in Throckenholt, near Spalding, Lincolnshire, England with her parents, her husband and her children. The beneficiary is not employed at present, but was formerly employed as a cashier. She stated that she was denied the issuance of an immigrant visa by the American consular service in London, England on October 5, 1955 under the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of or admit the commission of a crime involving moral turpitude.

Curtis Doyle Briggs was born on April 21, 1931 in Corinth, Miss. His parents, Mr. and Mrs. Arnold Elaxandra Briggs, reside in Crawfordsville, Ark. He served in the United States Air Force from October 30, 1952 to November 5, 1955 and held the grade of airman first class when he was discharged. His military service number is AF14442051. He was on military assignment in England when he met and married the beneficiary. Since his discharge from the United States Air Force he has continued to reside in England with the beneficiary and their children. He is not employed in England. However, his usual occupation is that of a farmer.

The committee is referred to the Office of Legislative Liaison, Department of the Air Force, for information concerning the interested party. In addition, the committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information concerning the denial of a visa to the beneficiary.

DEPARTMENT OF STATE,
Washington, January 26, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 12, 1956, requesting a report of the facts in the case of Pamela Briggs, the beneficiary of H. R. 8031 which was introduced by Mr. Gathings.

The Department's files contain a report dated December 5, 1955, received from the Embassy at London indicating that Mrs. Briggs was convicted on August 26, 1955, in the Magistrates Court at Peterborough, England, of 3 offenses, the sale of cigarettes upon which duty had not been paid and at the same time she was found guilty of 3 offenses having to do with the sale of cigarettes without a license. Mrs. Briggs was accordingly refused a visa under section 212 (a) (9) of the Immigration and Nationality Act as a person convicted of an offense involving moral turpitude. A copy of an extract from the Register of the Magistrates' Court and a copy of a statement relating to the offenses referred to are enclosed.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

IN THE COUNTY OF NORTHAMPTON IN THE SOKE (OR LIBERTY) OF PETERBOROUGH, THE 12TH DAY OF AUGUST 1955

The information of Dennis Cyril Pillin of 44 Westgate, Peterborough, one of Her Majesty's Officers of Customs and Excise, who prosecutes for Her said Majesty in this behalf, by order of the Commissioners of Customs and Excise, and states that Pamela Briggs of 12 Wellington Street, King's Lynn, in the County of Norfolk, on a date unknown between the 2d and the 8th May 1955, inclusive, at Peterborough did aid and abet Herbert Frank Rivett to sell tobacco, namely 20 cigarettes otherwise than under and in accordance with a license under the Customs and Excise Act, 1952, so authorising him. Contrary to section 189 (1) of the Customs and Excise Act 1952 and section 35 of the Magistrates Court Act 1952.

(Signed) D. C. PILLIN.

Exhibited to and before me, John Edward Swain.

(Signed) J. E. Swain,
Justice of the Peace for the said county.

Certified true copy:

(Signed) ——— ———,
Clerk of the Justices for the Liberty of Peterborough.

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The enclosures referred to in Mr. Gathings letter read in part, as follows:

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA,
AMERICAN EMBASSY,
November 28, 1955.

Hon. E. C. GATHINGS,
House of Representatives,
Washington, D. C.

MY DEAR MR. GATHINGS: I have received your letter of November 21, 1955, in which you ask to be informed, on behalf of Mr. Curtis D. Briggs, of the status of the application of Mrs. Pamela Briggs for an immigrant visa.

The records of the Embassy show that Mrs. Briggs' application for an immigrant visa was refused on October 28, 1955, under the provisions of section 212(a)(9) of the Immigration and Nationality Act. This refusal was mandatory since a court record presented in connection with her application showed that she had been convicted on August 26, 1955, of three offenses involving the sale of cigarettes upon which duty had not been paid. At the same time she was also found guilty of three offenses having to do with the sale of cigarettes without a license. It has been held that evasion of taxes constitutes a crime involving moral turpitude and as a result the Embassy had no option under existing law but to refuse Mrs. Briggs' application.

As matters now stand, Mrs. Briggs is inadmissible to the United States either as a visitor or as an immigrant. Should a private bill be passed exempting her from the excluding provisions of section 212 (a) (9), the Embassy would be in a position to take further action upon her application. Should you wish to introduce legislation on her behalf you may find the enclosed copy of the court record in her case of help to you.

You may be assured that every consideration consistent with existing immigration laws and visa regulations has been accorded Mrs. Briggs' application.

Sincerely yours,

E. TOMLIN BAILEY,
American Consul General.

Ella Takasey—H. R. 8207, by Mr. Schenck

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 29, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D. C.

Dear Mr. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8207) for the relief of Ella Takasey, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Kansas City, Mo., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of or admit having committed crimes in-

volving moral turpitude, and would permit the beneficiary to enter the United States for permanent residence if she is found to be otherwise admissible. The bill also provides that this exemption shall apply only to a ground of exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELLA TAKASEY, BENEFICIARY OF H. R. 8207

Information concerning this case was obtained from Sgt. William Takasey, the beneficiary's husband.

The beneficiary, Ella Takasey, also known as Ella Johanna Weidenauer, a native and citizen of Germany, was born on February 20, 1918. Her first marriage to Alfried Weidenauer was terminated by divorce at Mannheim, Germany, on October 22, 1942. The child born of this marriage was placed in the custody of the father at the time of the divorce. She next married William Takasey, a United States citizen, in Germany on November 25, 1954. They have two children, both United States citizens, born in Germany. The older child resides with his paternal grandfather in Dayton, Ohio. The other child resides with his mother at 228 Mundenheimer Street, Ludwigshaven on Rhine, Germany.

The beneficiary's educational background is unknown. She is not gainfully employed and has no assets. Her parents reside in Germany.

The beneficiary has never been in the United States according to her husband, she was convicted of theft in 1946 for gathering coal in a railroad yard, and for fraud in 1952 for making credit purchases on her statement that she was married to a United States soldier who was returning to Germany soon and who would settle the account. The beneficiary was denied a nonquota immigrant visa by the American counsel, Paris, France, because of these convictions. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to furnish additional information concerning the beneficiary's arrests and convictions.

The beneficiary's husband, Sgt. William Takasey, formerly Bela Tokozi, served honorably in the United States Army from 1926 to 1934, and from 1942 to 1945. He enlisted in August 1947, and is presently a senior welder in the 25th AEB, 6th Armored Division, Fort Leonard Wood, Mo. His salary is $243 a month plus $156.90 a month family allowance. His personal property is valued at $800. He was awarded 5 Battle Stars for the European Campaign in World War II and 6 Battle Stars for the Korean Campaign. He was arrested in Passaic, N. J., in 1923 for breaking windows and stealing apples. He was also arrested in Detroit, Mich., in 1945 for intoxication.

DEPARTMENT OF STATE,
Washington, January 30, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 13, 1956, requesting a report of the facts in the case of Ella Takasey, the bene-

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ficiary of H. R. 8207 which was introduced by Mr. Schenck on January 5, 1956.

The files of the Department contain a report dated November 18, 1955, from the consul general at Frankfort, Germany, indicating that Mrs. Takasey was convicted of fraud by the district court at Ludwigshafen-Rhein on December 12, 1951. Mrs. Takasey was accordingly considered to be ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act. Copies of the translations of the court records are enclosed.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

THE DISTRICT COURT,
Ludwigshafen on Rhine, December 12, 1951.

Number: 4 a Cs 1611/51

To Mrs. Ella Winterkorn, Charwoman, Ludwigshafen on Rhine, Prinzregentenstrasse 62

PENAL MANDATE

The office of the district charges you of having defrauded in Ludwigshafen on Rhine, during March 1951, Heinrich Kreutz, living there. Buying food at the amount of DM27,57, you declared to Kreutz you were married, your husband would come back from his job, but late in the evening, so that you were obliged to buy goods on credit. Hereby you induced Kreutz to the delivery of victuals, which you promised to pay the following Monday. However, you have already been divorced at the time of action and you damaged Heinrich Kreutz, because you did not pay the sales price amounting to DM27,57. Offense, according to paragraph 263 of the German Penal Code.

You are condemned to a fine at the amount of 40 German marks and in the case, if the money cannot be brought by, you are condemned to 8 days of imprisonment.

At the same time, process costs are imposed on you.

You can raise objections to this penal mandate within a week before the undersigned court or in giving a protocol at the court-secretary. In the other case, the penal mandate is executionable upon the expiration of time.

The fine amounting to DM40 and the below-mentioned costs at the amount of DM2,50=DM42,50 have to be paid within a week after the sentence has become effective.

The amount can be paid:

1. By sending court-cost stamps to the above-mentioned office or
2. by paying it on the postal checking account of the pay office of the court in using the enclosed money order form, or
3. by transferring the amount to one of the below-mentioned accounts, or
4. by cash at the pay office of the court Ludwigshafen/Rh, Wittelsbachstrasse 10.

If the time of payment is not observed, compulsory requisition will follow without further warning.

Costs for the penal mandate, DM 2,50 (par. 53 of the Court Costs Act).

Certified: May 7, 1955. Signed ABSTEIN, AMTSGERICHTSRAT.

[Stamp: District Court, Ludwigshafen on Rhine.]

[Stamp: Office of the District Court.]

(Signature).

Addition: Fine amounting to DM40 and costs of DM2.50=DM 42.50 have been paid.

OFFICE OF THE DISTRICT COURT,
Ludwigshafen on Rhine, May 9, 1955.
(Signature).

[Stamp: District Court, Ludwigshafen on Rhine.]

[Translation]

RAVENSBURG, April 2, 1946.

TO THE DISTRICT COURT, LEUTKIRCH

(Decision of April 13, 1946)

Request: I request to make out the court order as follows:

Upon the request of the Prosecuting Authority the following Court Order is made out herewith:

Cs 9–10/46.

COURT ORDER

against

(1) Dora Schmitt, nee Schlamp.

(2) Ella Weidenauer, nee Winterkorn, born on February 20, 1918, at Ludwigshafen/Rhein, living there, 3 Doerrhorststrasse, divorced, housewife.

The Prosecuting Authority accuses:

I. The accused Schmitt: * * *

II. The accused Weidenauer: You have taken from another person movable items not belonging to you with the intention to illegally appropriate them, by taking in middle of December 1945 at Rot a. d. Rot from Therese Leupolz the following items not belonging to you out of her box in the bedroom which (the box) had been open already or which had been opened by her with a key belonging to it:

1 shirt, 2 children's shirts, 1 piece of lavendel soap, 5 pieces of laundry soap, 2 brushes, 1 bottle "Odol", 3 bath sponges, 2 tooth brushes, 6 pairs of shoe-laces, 5 Christmas candles, 1 clothes brush, as well as apples.

Violation against * * *

In the case of the accused Schmitt * * *

In the case of the accused Weidenauer: 1 violation of theft in accordance with Paragraph 242 of the German Penal Code.

Evidence:

I. Statement of the accused.

II. Certificates regarding previous convictions, page 15 and 16.

III. Statements of the following persons:

1. Therese Leupolz, Rot a. d. Rot;
2. Magdalene Vatter, Ludwigshafen, Frankenthalerstr. 72;
3. Marliese Winterkorn, Ludwigshafen, Doerrholzstr. 3.

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The following sentence was imposed on Schmitt * * * on *Weidenauer* Fine of RM 50.—in lieu of a forfeited imprisonment sentence of 10 days, moreover you have to pay the costs of the proceedings and of the execution of the sentence.

This court order becomes effective unless you make an appeal in writing to the below mentioned District Court or have an appeal entered officially by the clerk of the court within one week after receipt of this document.

s/HALDER, *Public Prosecutor.*

THE DISTRICT COURT,
Ludwigshafen/Rhine, December 12, 1951.

Number: 4 a Cs 1611/51
To Mrs. Ella Winterkorn, Charwoman, Ludwigshafen/Rhine, Prinzregentenstrasse 62.

PENAL MANDATE

The office of the district charges you of having defrauded in Ludwigshafen on Rhine, during March 1951, Heinrich Kreutz, living there. Buying food at the amount of DM 27,57, you declared to Kreutz you were married, your husband would come back from his job, but late in the evening, so that you were obliged to buy goods on credit. Hereby you induced Kreutz to the delivery of victuals, which you promised to pay the following Monday. However, you have already been divorced at the time of action and you damaged Heinrich Kreutz, because you did not pay the sales price amounting to DM 27,57. Offense, according to Par. 263 of the German Penal Code.

You are condemned to a fine at the amount of forty German Marks and in the case, if the money cannot be brought by, you are condemned to eight days of imprisonment.

At the same time, process-costs are imposed on you.

You can raise objections to this penal mandate within a week before the undersigned court or in giving a protocol at the court-secretary. In the other case, the penal mandate is executionable upon the expiration of time.

The fine amounting to DM 40.—and the below-mentioned costs at the amount of DM 2,50=42,50 DM have to be paid within a week after the sentence has become effective.

The amount can be paid:

(1) By sending court-cost-stamps to the above-mentioned office or

(2) by paying it on the postal checking-account of the pay-office of the court in using the enclosed money order form, or

(3) by transferring the amount to one of the below-mentioned accounts, or

(4) by cash at the pay-office of the court Ludwigshafen/Rh, Wittelsbachstrasse 10.

If the time of payment is not observed, compulsory requisition will follow without further warning.

Costs for the penal mandate, 2,50 DM (Par. 53 of the court-costs-act).

Certified: May 7, 1955.

s/ ABSTEIN, AMTSGERICHTSRAT.

[Stamp: District Court, Ludwigshafen on Rhine.]

[Stamp: Office of the District Court]

(Signature).

Addition: Fine amounting to DM 40.– and costs of DM 2.50=42.50 DM have been paid.

OFFICE OF THE DISTRICT COURT,
Ludwigshafen on Rhine, May 9, 1955.

(Signature).

[Stamp: District Court, Ludwigshafen on Rhine.]

Gertrud Baxter—H. R. 8428, by Mr. Kelley of Pennsylvania

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 28, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8428) for the relief of Gertrud Baxter and son, Helmut, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Atlanta, Ga., office of this Service, which has custody of those files.

The bill would provide that, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, Gertrud Baxter (nee Gertrud Maria Schantl) may be admitted to the United States if she is found to be otherwise admissible under that act: Provided, that this exemption shall apply only to the ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The bill also is intended to confer nonquota status upon the minor alien child, Helmut Baxter, pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act by providing that the child shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant the child would be chargeable to the quota for Germany.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GERTRUD BAXTER AND SON, HELMUT, BENEFICIARIES OF H. R. 8428

Information concerning the beneficiaries was obtained from Robert G. Baxter, the spouse of the adult beneficiary and the adoptive father of the minor beneficiary.

The adult beneficiary, Gertrud Baxter, nee Gertrud Maria Schantl, was born on April 20, 1923, in Bad-Fischau, Polit. Bez. Wr-neustadt, Austria. She has never been in the United States and she now resides at VIII Lenangarse 5/1A, Vienna, Austria. Her son, the minor beneficiary, Helmut Baxter, formerly Helmut Schantl, was born on September 28, 1943, in Steinhoring, Ober-Bayern, Germany. He has never been in the United States and he now resides with the adult beneficiary. The adult beneficiary and Robert G. Baxter, who is a citizen of the United States, were married on May 27, 1955, in Vienna, Austria. This is the first marriage for either of them. The minor beneficiary was legally adopted by Robert G. Baxter in Austria.

The adult beneficiary was educated in Austria and has the equivalent of a high-school education. She earns a small income from her employment as a clerk-stenographer. Her income is supplemented by money sent to her by her spouse. She has no known tangible assets. Her father is deceased and her mother resides in Austria.

The adult beneficiary was convicted in Austria for assisting in the perpetration of an abortion by furnishing the name of an abortionist. On June 7, 1951, she received a sentence under that conviction of 2 months' imprisonment. However, the sentence was remitted on June 11, 1951, and is considered to have been served.

The adult beneficiary's spouse, Robert G. Baxter, was born on June 28, 1919, in Fayette, Pa. His father is deceased and his mother resides in Latrobe, Pa. He has 4 brothers and 3 sisters. He has an eighth-grade education. In 1937, at the age of 18, he entered the United States Army and has remained in that service to the present time. He holds the rate of sergeant first class and is presently stationed at Fort Benning, Ga. His salary is approximately $3,600 a year. He has no tangible assets. No one is dependent upon him for support other than the beneficiaries.

DEPARTMENT OF STATE,
Washington, February 23, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 27, 1956, requesting a report of the facts in the case of Gertrud S. Baxter and son Helmut, the beneficiaries of H. R. 8428 which was introduced by Mr. Kelley on January 12, 1956.

The files of the Department indicate that a report dated July 19, 1955, has been received from the Embassy at Vienna indicating that Gertrud S. Baxter, the wife of Robert G. Baxter, was convicted on June 7, 1951, by the State Criminal Court in Vienna, Austria, for violation of article 146 of the Austrian Criminal Code in that she was

an accessory to abortion in March 1948. There are enclosed copies of translations of court records in the case.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

[Legalized Translation]

27 a Vr 5481/49
20 St 11845/49

INDICTMENT

The State Prosecution Vienna raises against Gertrude Schantl, born on 20th April 1923, at Bad Fischau, home residence Bad Fischau, without religion, housemaid, residing at Vienna XVIII., Hockegasse 73, the following

INDICTMENT

Gertrude Schantl has in February or March, 1948 at Linz (1) deliberately undertaken a measure whereby a forced abortion was effected in that way, that she had a catheter inserted into her pregnant uterus by one Margarethe Eitzinger; (2) having assisted the pregnant Maria Achleitner and the pregnant Hilda Rabinger to perform a forced abortion by naming Margarethe Eitzinger to them as a person performing abortions.

She has thereby committed the crime of abortion according to § 144 Penal Code and as an accomplice also according to § 146 Penal Code, and is therefore to convict according to § 145 Penal Code, 2nd degree, under consideration of § 34 Penal Code.

MOTIONS

(1) To fix a term for a trial before the High Court for Criminal Affairs Vienna, as a court assisted by lay judges.

(2) To summon the accused Gertrude Schantl to this trial as the defendant.

(3) To read in Court according to § 252, No. 4, Code of Criminal Procedure, the testimonies of witnesses Margarethe Eitzinger, O. No Maria Achleitner, O. No. 8,

(4) According to § 252, penultimate paragraph of Code of Criminal Procedure, to read in court charge, O. No 2, to furnish the defendant's criminal record and certificate of reputation, and to obtain the necessary statements of evidence from the record 6 Vr 4463/48 of the High Court Linz.

REASONS

The accused Gertrude Schantl was pregnant in February 1948 and had a forced abortion performed on her by Maragrethe Eitzinger, through insertion of a catheter. At the same time she named to her pregnant friends Maria Achleitner and Hilda Rabinger, who also wanted a forced abortion performed on them, and who turned to the accused for a person performing an abortion, the said Eitzinger as such a person, who also later performed these aforesaid abortions.

The accused admits that she had a catheter inserted into her pregnant uterus by the said Eitzinger, however asserts that this was

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unsuccessful, and that she therefore could not have been pregnant at all at this time. She admits that Achleitner and Rabinger turned to her for a person performing abortions, but states that she did not name the said Eitzinger as such a person to these two women but sent them both to the daughter of a Mrs. Schwaiger in order that she name a person performing abortions.

This justification however will have to be rebutted by the evidence applied for and the defendant will have to be convicted according to the indictment.

State Prosecution Vienna, this 28th of July 1949.

DR. HÖRMANN.

This is a true copy:

(Signature illegible),
Chief Clerk of the Department.

EXCERPT

Ref. No. 7a Vr 5481/49

In the name of the republic: According to Nos. 144 and 146 of the Penal Law, the Land Court for Penal Affairs in Vienna, under the chairmanship of Oberlandesgerichtsrat Dr. Cernstein, in the presence of Oberlandesgerichtsrat Dr. Ominger as judge, Johann Krenek and Franz Szklarski as jurymen, and JA Pocza as clerk, and in the presence of the public prosecutor Dr. Coca, the defendant Gertrude Schantl and the defense counsel Dr. Friedrich Nepp, after hearing in court on June 7, 1951, has ordered, adjudged and decreed on a charge preferred by the Public Prosecutor, Vienna:

The defendant Gertrude Schantl is guilty of having assisted the pregnant Maria Achleitner and the pregnant Hilde Rabinger in Linz in the March 1948 in having an abortion by giving her the name of Margarethe Eitzinger as abortionist.

According to Art. 1946 of the Penal Law the accused has thus committed the crime of abortion and the court making use of the provisions Nos. 54 and 55 of the Penal Law of Art. VI of the Penal Code 1918, sentences her to 2 (two) months imprisonment with solitary confinement.

Furthermore, under Art. 389 of the Penal Procedure Regulations the accused is sentenced to refund the costs of the penal proceedings and of the execution of the sentence.

According to Articles 1 and 2 of the Probation Law of 1949, the execution of the prison term imposed on the accused is, for the time being, deferred subject to a three years' probation period as are also the arising legal consequences.

The accused Gertrude Schantl is, on the other hand acquitted of the charge preferred against her according to Art. 259 of the Penal Order alleging that in February 1948 she had Margarethe Eitzinger insert a catheter into her pregnant uterus and thus intentionally caused an abortion and committed the crime of abortion.

When assessing the sentence the court considered—

as aggravating circumstances: the repeated offence against the law,

as extenuating circumstances: the full and repentant confession, the irreproachable conduct of the accused and her good reputation.

The application of the extraordinary extenuation law therefore seems justified, and the sentence imposed upon the accused is appropriate to the offence.

LAND COURT FOR PENAL AFFAIRS, VIENNA.
VIII. Landesgerichtstrasse 11 Vienna, on June 7, 1951.
[Seal of the Land Court for Penal Affairs.]
[Stamp: Dr. Otto Cernstein.]
For the correctness of the copy:

/s/ (illegible).
Chief of the Section.

[Translation German]

DEPARTMENT OF STATE

DIVISION OF LANGUAGE SERVICES

27 a Vr 5481/49
20 St 11845/49

INFORMATION

The Public Prosecutor of Vienna files against Gertrude Schantl, born April 20, 1923, in Bad Fischau, and domiciled there, no church affiliation, single, a chambermaid of Hockegasse 73, Vienna 18, the following charges:

In February and March 1948 in Linz Gertrude Schantl (1) intentionally committed an act causing abortion by having Margarethe Eitzinger insert a catheter into her pregnant womb; (2) was an accessory to abortion by naming Margarethe Eitzinger as an abortionist to the pregnant Maria Achleitner and the pregnant Hilda Rabinger.

She thereby committed the crime of abortion under Sec. 144 of the Penal Code [PC] and as an accessory also under Sec. 146 PC and is punishable therefor under Sec. 145 PC, second penalty, stipulation, with due regard to Sec. 34 PC.

MOTIONS

1. Setting of a trial date before the Criminal State Court [*Landesgericht für Strafsachen*] in Vienna as a lay assessor court,
2. Summoning of the accused Gertrude Schantl to the trial as defendant,
3. In accordance with Sec. 252, No. 4 of the Code of Criminal Procedure [CCP]: Reading of the depositions of witnesses Margarethe Eitzinger O. No. 7, Maria Achleitner O. No. 8,
4. In accordance with Sec. 252, second-last par. CCP: Reading of the complaint, of the penal record still to be procured and of the conduct report, and the carrying out of the investigation required by file 6 Vr 4463/48 of the State Court in Linz.

REASONS

In February 1948 the accused Gertrude Schantl was pregnant and had an abortion performed on herself by the introduction of a catheter by Margarethe Eitzinger. At about the same time she told her preg-

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nant friends Maria Achleitner and Hilda Rabinger, who also wanted abortions and asked the accused about an abortionist, about the Eitzinger woman as being one, who then actually carried out the abortions.

The accused admits to have let the Eitzinger woman insert a catheter into her pregnant womb, but claims that it was without result, and therefore she could then not have been pregnant. She admits that Achleitner and Rabinger asked her about an abortionist, but she had not told them of Eitzinger as such, but rather sent them to the daughter of Mrs. Schwaiger so that she would tell them about an abortionist.

This defense will have to be rebutted by the evidence cited and the accused will have to be found guilty in the sense of this information.

Dr. HÖRMANN,
Public Prosecutor of Vienna,

JULY 28, 1949.
Certified copy:

(Illegible), *Clerk of the Court.*

Case No. 7a Vr 5481/49
Hv 224/49

In the name of the republic: The State Criminal Court in Vienna has brought the following judgment against Gertrude Schantl, charged by the Public Prosecutor in Vienna under Secs. 144, 146 PC, after a trial held on June 7, 1951, participated in by *Oberlandesgerichtsrat* Dr. Cernstein as presiding judge, *Oberlandesgerichtsrat* Dr. Ominger as judge, the Lay Assessors Johann Krenek and Franz Szklarski, and the Court Clerk Pocza as recorder, with Prosecutor Dr. Coca, the defendant Gertrude Schantl, and the Attorney for the Defense Dr. Friedrich Nepp being present.

The defendant Gertrude Schantl is guilty of having been an accessory, in March 1948, to abortion, by naming, to the pregnant Maria Achleitner and the pregnant Hilda Rabinger, the Margarethe Eitzinger as an abortionist.

She has thereby committed the crime of abortion under section 146 PC and is sentenced under this statutory provision with application of sections 54, and 55 PC and of article VI of the 1918 Revision of the CCP to strict imprisonment for a period of 2 months, intensified by hard bedding, and under section 389 CCP to the payment of the court and execution costs.

Under sections 1 and 2 of the 1949 Law on Suspended Sentences the execution of the penalty imposed and the accrual of the legal consequences are temporarily suspended and a probation period of 3 years is imposed on the convict.

The defendant Gertrude Schantly is, however, under section 259/3 CCP acquitted, of the charge of having in February 1948 in Linz had Margarethe Eitzinger insert a catheter into her pregnant womb and thereby having knowingly committed an act which caused an abortion, and of having thereby committed the crime of abortion.

OPINION

After hearing the evidence by examination of the witnesses Margarethe Eitzinger and Maria Achleitner, of Dr. Wilhelm Holcza-

bek, the forensic expert, as well as by the reading of the results of the police investigation and the material contents of criminal files 6 Vr 4463/48 and 6 Hv 13/49 of the State Court in Linz, a report from the Federal Police Headquarters in Vienna and the Upper-Austrian Regional Sick Fund Branch in O. No. 47, the Court has held it proved that in March 1948 the defendant has in Linz acted as an accessory to abortion in naming Margarethe Eitzinger to the pregnant women Maria Achleitner and Hilda Rabinger.

The defendant has indeed made a full confession on this point.

With respect to her own abortion, many circumstances indicate the guilt of the defendant, but her defense, that she merely felt pregnant, has not been rebutted by the forensic testimony either. It has been established that she suffered from ovaritis, also during the time when the alleged abortion activities took place. According to the forensic testimony it is possible to be pregnant even in that condition, but it is also possible that menstruation disturbances occur because of this condition.

In her last re-examination the witness Margarethe Eitzinger deposed that she had not convinced herself of the defendant's pregnancy. Other medical data, case history and other, from which discharge of a fetus could be concluded, are also lacking.

The witness Gisela Brandl, with whom the defendant was well acquainted, deposed that Gertrude Schantl had told her she thought herself pregnant, but she really was not. In view of this evidence the guilt of the defendant regarding her own abortion could not be held proved. Hence she was found guilty only as an accessory, which verdict is therefore well-founded.

She had therefore to be acquitted of the charge of having committed her own abortion.

In assessing sentence, an aggravating circumstance was the multiplicity, and mitigating circumstances were her full and repentant confession, the absence of a criminal record, and her not unfavorable reputation.

Thus the application of the right of extraordinary mitigation seems justified and the sentence imposed on the defendant appears adequate.

In view of the fact that the two girls to whom she recommended Eitzinger were also obviously destitute, in further consideration is given of the mitigating circumstances mentioned, and as the prerequisites for the application of article VI of the 1918 Revision of the CCP and of the Law on Suspended Sentences were also present, and the legal consequences were also postponed.

The other decisions are based on the statutory provisions cited.

Vienna, June 7, 1951

Dr. Otto Cernstein.

Certified copy.

[SEAL] (Illegible signature.)

[Translation]

AUSTRIAN CRIMINAL CODE

Art. 144. Abortion of her foetus

A woman who intentionally commits any act, whereby the abortion of her foetus is caused or the delivery effected in such a way that her child is stillborn, becomes guilty of a crime.

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Art. 146. Punishment

Whoever induces a pregnant woman to abortion or renders her assistance therein, is an accessory to this crime, even if the cooperation in abortion is only attempted.

Such accessory shall be punished by rigorous imprisonment between 1 and 5 years, but if the makes a trade out of his cooperation in abortion, by regorous imprisonment between 5 and 10 years.

Art. 54. Extraordinary mitigation

In case of crimes punishable by a penalty not exceeding 5 years, the penalty of imprisonment may be changed to a more lenient grade of confinement as well as the term prescribed by law be reduced to even less than 6 months, if there are several mitigating circumstances of such kind that it may be expected with good reason that the criminal will reform.

Art. 55. Modification of penalty

Furthermore, in case of crimes punishable under the law, by a penalty not exceeding 5 years, the fate of the innocent family (of the criminal) shall be taken into account.

Art. 389 (repealed)

Art. 259. Types of penalties shall, in general, not be interchanged, nor shall punishment be set aside by agreement with the injured party

In general, the type of penalty prescribed for any one punishable act shall not be changed, nor shall the punishment be set aside by an agreement with the injured party.

Art. 252 (obsolete)

Art. 145. Punishment

If the abortion has been attempted but not consummated, the punishment shall be imprisonment between 6 months and 1 year. The consummated abortion shall be punished by rigorous imprisonment between 1 and 5 years.

Art. 34. Concurrence of several crimes

If a criminal has committed several crimes which are the subject of the same judicial proceedings and conviction, he shall be punished on the basis of the crime which is penalized by the more rigorous penalty, taking into account, however, his other crimes.

The name of Helmut Baxter, included in H. R. 8428 as introduced, has been deleted in view of the fact that he is chargeable to the quota for Germany which is current, and appears to be admissible to the United States.

Maria Anna W. Harris—H. R. 8448, by Mr. Smith of Kansas

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 23, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8448) for the relief of Maria Anna W. Harris, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immi-

gration and Naturalization Service file relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude and would authorize the alien's admission for permanent residence if she is otherwise admissible under that act. The bill provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA ANNA W. HARRIS, BENECIFIARY OF H. R. 8448

Information concerning the case was obtained from William Alva Harris, the beneficiary's husband.

The beneficiary, whose maiden name was Maria Anna Wolfsfellner, was born on May 30, 1931, at Kronwieden, Germany. She married William Alva Harris on October 13, 1954, at Erding, Germany. They have one child, Linda Carol Harris, who was born abroad on August 14, 1953. She is a citizen of the United States. The beneficiary's parents reside in Germany. She attended school in her native country for 10 years. Thereafter she was employed as a sales clerk. She is presently unemployed and is dependent upon her husband for support.

The beneficiary has never been in the United States. She resides with her child at Erding, Germany. The beneficiary applied for an immigrant visa at the American consulate in Munich, Germany, in June 1953. She was refused such visa on the ground that she had been convicted of a crime involving moral turpitude.

The beneficiary's husband, William Alva Harris, is a citizen of the United States. He was born at Newton, Kans., on February 4, 1931. He enlisted in the United States Air Force in July 1951 and served in Germany, where he met the beneficiary. He was honorably discharged with the rating of Airman, first class in July 1955. He is presently employed as a service station attendant at Neptune, N. J. He indicates that he sends his wife and child $80 monthly for their support.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary.

DEPARTMENT OF STATE,
Washington, March 9, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR Mr. CELLER: I refer to your letter of January 24, 1956, requesting a report of the facts in the case of Maria Anna W Harris, the

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beneficiary of H. R. 8448 which was introduced by Mr. Smith on January 12, 1956.

The files of the Department contain a report dated September 22, 1955, from the consul general at Munich, Germany, indicating that Mrs. Harris was convicted on October 11, 1951, by a criminal court at Munich for violation of section 176, paragraph 3 of the German Criminal Code which reads in translation as follows:

"176. Confinement in a penitentiary not to exceed 10 years shall be imposed:

"(3) Upon one who commits lustful acts with persons under 14 years of age or induces them to commit or submit themselves to lustful acts.

"If there are extenuating circumstances, imprisonment for not less than 6 months shall be imposed."

The alleged immoral acts involved the two small sons of the family which employed her as a domestic servant. The record quotes the decision of the court as follows:

"In fixing sentence it had to be recognized in favor of the defendant that she confessed, had no criminal record, and previously had led a decent life. Allowance may also be made for her youth—she was not yet 19 years old when she committed the act—and the lesser ability to resist, due to it. Consideration is also to be given to the fact that she was then living subject to unfavorable influences. Therefore, mitigating circumstances could be accorded her. On the other hand, the frequency of such offenses and the grave danger to youth resulting therefrom must be regarded as an aggravating circumstance. Under these circumstances a prison term of 7 months appeared appropriate to the offense. Since the charge was for a repeated offense, no acquittal could be pronounced concerning the unproved acts, although they must be left out of consideration in the judgment; for even though the charge and the judgment do not coincide in regard to extent, they both envisage one act as proved, and the court cannot simultaneously acquit and convict for one and the same act."

In view of the record of conviction Mrs. Harris was refused an immigrant visa on July 11, 1955, as being ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Elfriede Unterholzer Sharble—H. R. 8563, by Mr. Barrett

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 13, 1956.

Hon. EMANUEL CELLER
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8563) for the relief of Elfriede Unterholzer Sharble, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary

by the Philadelphia, Pa., office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude and would authorize the alien's admission for permanent residence if she is otherwise admissible under that act. The bill provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the Act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELFRIEDE UNTERHOLZER SHARBLE, BENEFICIARY OF H. R. 8563

Information concerning this case was obtained from the beneficiary's husband, Michael Joseph Sharble.

The beneficiary, whose maiden name was Elfriede Unterholzer, was born on June 18, 1932, in Salzburg, Austria. She married Michael Joseph Sharble on July 1, 1954, in that country. One child, Robert Charles Sharble, was born of this marriage on May 9, 1955, in Salzburg, Austria.

The beneficiary's parents are deceased. She has two sisters who reside in Austria. The beneficiary attended school for 12 years, and studied laundry work and horse training in her native country. She was employed in a laundry and as a secretary. Her present employment is with the Salzburg, Austria, Police Department as a horse trainer at a salary of $75 monthly.

The beneficiary resides in Salzburg, Austria. She has never been in the United States. She applied at the American consulate in Salzburg, Austria, in 1954 for an immigrant visa. She was refused such visa on the ground that she had been convicted of a crime involving moral turpitude.

The beneficiary's husband, Michael Joseph Sharble, is a citizen of the United States. He was born on October 17, 1930, in Philadelphia, Pa. Mr. Sharble enlisted in the United States Army in January 1952 and served in Austria, where he met the beneficiary. He returned to the United States and was honorably discharged with the rating of corporal on December 19, 1953. Mr. Sharble went to Austria in February 1954. He resided in that country with his wife until February 27, 1956, when he again returned to the United States accompanied by his son, Robert, who is a United States citizen. Mr. Sharble and his son reside with his parents in Philadelphia, Pa.

Mr. Sharble is not presently employed. He was formerly employed as a carpet layer and meat curer in Philadelphia, Pa.

The committee may wish to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary.

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DEPARTMENT OF STATE,
Washington, June 4, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 27, 1956, requesting a report of the facts in the case of Elfriede Unterholzer Sharble, the beneficiary of H. R. 8563 which was introduced by Mr. Barrett on January 17, 1956.

The Department's files contain a report dated March 7, 1956, from the American consul at Salzburg, Austria, indicating that Mrs. Sharble is considered to be ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act by reason of her conviction on November 26, 1952, for two offenses, theft and fraud. Copies of translations of the court records and applicable laws are enclosed in duplicate.

The report indicates that Mrs. Sharble was also arraigned in court on December 7, 1951, in connection with a theft for which she received no sentence. The consulate has not so far been able to obtain copies of the court records relating to this offense.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

[Translation]

FEDERAL POLICE HEADQUARTERS, SALZBURG,
Salzburg, August 14, 1951.

File No.: II–5–20110/5/51

REPORT

Elfriede Unterholzer, as identified above, presently an inmate of St. Josef Reformatory [for juveniles—translator's note], Salzburg, reported herself for the theft of a wallet containing AS600 in cash and several dollar bills.

In February 1949 she escaped from St. Josef Reformatory and remained at large for about 3 weeks. During this time she made the acquaintance of an unknown Swiss at the Cafe Winkler lift who asked her to show him the sights and night spots of the city. They first took a cab which was standing next to the lift and made a trip round town. Afterward they took the lift up to Cafe Winkler where the Swiss got very drunk. In the late hours of the night they again allegedly took the same cab and drove in the direction of Gnigl [a city suburb—translator's note]. Since the Swiss had his wallet open in his lap she made use of the opportunity and stole it together with its contents of AS600 and a few dollar bills. The Swiss allegedly got out of the cab at Gnigl whereas she stayed in the cab and drove on to Glasenbach in order to visit an American soldier; allegedly she did not find him there. The next day she states she discarded the wallet and bartered the dollar bills to an unknown Jew at Camp Riedenburg for a ladies' woolen coat. Later on, she claims, she took the coat apart and converted it into a jacket. Later again, she states, she took the jacket apart and made house slippers out of it. The amount of

AS600, she claims, she spent completely to support herself in the course of time.

Since she paid the cabdriver from the stolen money who also saw the dollar bills in her possession she got more and more bothered by her conscience expecting any day the cabdriver to report her to the police. Therefore she went and reported herself to the district court, Salzburg. She claimed she repented her deed and had been burdened by her heavy conscience. The names of the cabdriver and the Swiss could not be ascertained in the course of criminal investigation.

DEISER, *Criminal Officer.*

SALZBURG, *August 14, 1951.*

Subject: Unterholzer, Elfriede, theft of a wallet containing AS600 in cash and dollar bills from an unknown person.

To the public prosecutor at the criminal district court in Salzburg are herewith submitted the results of investigation in the case of Elfriede Unterholzer, and she is reported for the theft of a wallet containing AS600 in cash and dollar bills (amount unknown).

DR. TUNA, *Police Commissioner.*

[Translation]

File No. : 7 E Vr 1972/52
7 Hv 1178/52

IN THE NAME OF THE REPUBLIC

Following the main trial on November 26, 1952, of Elfriede Unterholzer, born June 18, 1932, in Seekirchen, Austria, of Roman-Catholic faith, single, laundry apprentice, residing in Salzburg, Nonnthalerhauptstrasse 31, held in the presence of the public prosecutor, Dr. Zarl; counsel for the private party Dr. Troyer; the accused, Elfriede Unterholzer: The judge of the land court, Salzburg, on a motion by the public prosecutor for punishment of the accused for the crime of theft and misdemeanor of fraud, ruled as follows:

The accused is guilty of—

I. Having removed from the possession of the below named persons, without their consent and to her own advantage, property in the value of more than AS1,500, within a period of 5 years since serving her last sentence, having then been convicted for theft on 2 different occasions.

(1) From her employer Josefine Prinz, during the time from March 1952 to October 20, 1952: 1 light blue short ladies' coat, 1 gabardine ladies' skirt, 1 pair of white kid gloves, 1 black taffeta blouse, 3 brassieres, 3 sheets, 1 pillow slip, 1 featherbed slip, 1 towel, 1 brown ladies' pullover, 1 white shawl, total value approximately AS1,000;

(2) From Johanna Kreuger, on October 24, 1952: 1 pair of brown ladies' oxfords with crepe soles, 1 pair of nylon stockings, a pleated black skirt, 1 knitted black-and-red pullover, 1 red short ladies' coat, 1 ladies' slip, 1 brassiere, 1 pair of panties, total value approximately AS900.

II. in the beginning of October 1952 of having attempted to defraud Johanna Kreuger of AS300 by fraudulently pretending to borrow

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and by promising to return 2 ladies' pullovers and 2 pairs of shoes which damage does not exceed the amount of AS1,500.

Thereby she has commited the crimes of theft under paragraphs 171, 173, 176/I b II b, Penal Code, and the midemeanor of fraud under paragraphs 461/197, 201 d Penal Code. She is being sentenced under paragraph 178, Penal Code, and in consideration of paragraph 35, Penal Code, to 6 months severe prison with a hard bed every quarter of year, and in accordance with paragraph 389, Criminal Procedure, to reimbursement of the trial costs.

According to paragraph 65a, Penal Code, inasmuch as she was detained for trial from November 20, 1952, 18:45, until November 26, 1952, 11:30, this period will be considered as a part of her sentence.

REASONS

The facts stated in the conviction are evidenced by the full confession of the accused which concurs with the results of the investigation. Aggravating circumstances: Previous convictions, the coincidence of a crime and a misdemeanor, the bad reputation. Mitigating circumstances: The confession of the accused and the recovery of the stolen goods. The rulings pronounced in the conviction are based on the cited paragraphs of the law.

LAND COURT, SALZBURG,
Department 7, November 26, 1952.
Dr. LUDWIG GANDOLFI.

For the correctness of the copy:

KNAPP,
Supervisor of the Department.

[Rubber Seal: Landesgericht, Salzburg.]

TRANSLATED EXCERPTS FROM THE AUSTRIAN CRIMINAL CODE

LARCENY

171. Whoever to his advantage takes a movable thing not belonging to himself from the possession of another, without the latter's consent, commits larceny.

173. The amount renders larceny a crime if the amount stolen or the value of the thing stolen exceeds 500.—S. In this case, it makes no difference whether this amount or value results from a single or several, from simultaneous or repeated offenses, whether this amount was stolen from a single or several owners, whether larceny was committed of one or several things. The value, however, shall not be computed according to the profit of the thief, but according to the damage of the victim.

176. The nature of the offender renders larceny a crime:

I. irrespective of the amount:

(b) if the offender has been punished twice before for the crime of larceny or the contravention of theft and if not more than 5 years have elapsed between the expiration of the term and the offense.

II. in respect of an amount exceeding 50. –Schillings:

(b) if the larceny was committed by people exercising a trade, apprentices, or day laborers from their master or

person who hired them for work or by a master from his journeymen, apprentices or day laborers.

461. Minor embezzlements, minor fraudulent activities and minor breach of trust.

The same punishment shall be imposed for embezzlement and fraudulent activities insofar as they do not acquire the quality of crime through the circumstances enumerated for embezzlement in pages 181 and 183, and for fraudulent activities in pages 199, 200 and 201. The same punishment shall also be imposed for breach of trust, insofar as it does not constitute a crime under the provisions of page 205, (c).

197. Fraud.

Whoever by artful representations or acts leads another into error in order to cause prejudice to the property or other rights of the state, of a community or of any other person; or whoever, with this intention and in the above-mentioned manner, uses the error or ignorance of another, commits a fraud, irrespective of whether he was induced thereto through selfishness, through passion, through the intention to favor another in an unlawful manner or through any other intention.

201. Main kinds of fraudulent activities which constitute the crime of fraud if a higher amount is involved.

Inasmuch as the kinds of fraud are too manifold, they cannot all be enumerated in this code. With regard to the above-mentioned amount, especially the following are guilty of the crime of fraud:

(d) whoever assumes a false name, status, or capacity or pretends to be the owner of another's property or in any other way conceals himself under false pretenses in order to procure for himself unlawful gains, to cause prejudice to the property or rights of another or to induce another to acts which are to the prejudice of the latter and which he would not have consented to but for the fraud practiced on him;

178. Punishment for the crime of larceny.

If there are no aggravating circumstances to a larceny in addition to those which render it a crime according to pages 173–176, the punishment shall be rigorous imprisonment between 6 months and 1 year; if, however, there are aggravating circumstances, rigorous imprisonment between 1 and 5 years.

35. Concurrence of crimes with misdemeanors or contraventions.

This provision also shall apply, where crimes concur with misdemeanors or contraventions.

In case even one only of the concurring punishable acts is penalized under this or another law by a fine or by any of the penalties set up in (p. 240, clauses (b) and (c)), this special penalty shall in any case also be imposed upon the guilty persons in addition to the other penalty provided by law.

Mr. Barrett submitted the following letter in support of his bill:

SALZBURG, AUSTRIA,
March 31, 1955.

SIR: My parents Mr. and Mrs. Chas. Sharble of 1205 Dickinson St., Philadelphia, Pa., told me to write to you and tell you about the trouble I'm having getting a visa for my wife Elfriede (her maiden name is Unterholzer).

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I met my wife when I was in the Army stationed here in Salzburg. After I was discharged I came back to Salzburg and got married July 1, 1954.

I started the application for the visa in September 1954, then November 26, 1954, I received a letter from the Immigration and Naturalization Service in Philadelphia, Pa., saying that my visa petition has been approved and the consular office in Salzburg will take care of the rest. (The visa petition number is VPO4–16839.)

When I went to see the consul he asked me to get my wife's police record. When I gave him the police record he read it and then said he can't give my wife a visa because she has 2 crimes against her, and he just can't give a visa to a person who has more than 1 crime. My wife's 2 crimes are, theft and trespassing of fraud. Then the consul said the only way we could get a visa is to see a Congressman and tell him all about it and he will be able to get the visa for us. So that's why I asked my parents to see you.

I hope you can help us because I don't know what else to do. Now my wife is going to have a baby any day now and I can't even get a job over here, so I'll have to leave her here with the baby so I can go home and go to work.

So please help us if you can. If you want to know anything else you can write to me here because I'll be here awhile or you can write to my parents.

Now I would like to explain how my wife happened to get two crimes against her.

In 1952 my wife was working in a cleaning shop and at night she would take some clothes to wear to go out to a movie or some place and then bring the clothes back to the shop the next day when she would go to work. She was doing this for a few months, then one day she loaned some clothes to a girl friend to wear for a night and the girl friend didn't bring the clothes back to my wife that night so my wife was afraid to go to work the next day because she didn't have the clothes, so when they found out the clothes were missing and that my wife didn't go to work, they sent the police to my wife's house. When the police got to my wife, she told them everything that had happened, then she went with the police to the other girl's house and got back all the clothes, but they still charged her with theft.

Now about the second crime, when the police were at my wife's house, they were looking for the missing clothes because at first they didn't believe her that she loaned them to another girl, so when they were looking they found some clothes and asked my wife whose clothes were they? And she told them that some of them were hers and some belonged to a friend who she borrowed from about a week ago, but didn't have time to bring them back to her, so the police charged her with another crime the trespassing of fraud.

Now enclosed is a letter in German and English from the girl that my wife borrowed the clothes from. I don't know if it will help because the crime is still on my wife's police record and the police said the only way I can have it taken off is by having a trial, but I don't have the money to have a trial, so I hope this letter from the girl will help.

Thank you very much.

MICHAEL J. SHARBLE.

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA,
Salzburg, Austria, April 22, 1955.

MY DEAR MR. BARRETT: I acknowledge receipt of your letter dated April 12, 1955, concerning the status of the visa application of Mrs. Elfriede Unterholzer Sharble, daughter-in-law of Mr. and Mrs. Charles Sharble of 1205 Dickinson Street, Philadelphia, Pa.

The records of the consulate confirm that Mrs. Elfriede Sharble applied at this office for a visa and was found to be inadmissible to the United States. After receipt of your letter, this decision of three consular officers was reviewed. Unfortunately for Mrs. Sharble, the consulate has no choice but to find her ineligible to receive a visa.

Mrs. Sharble has been convicted of theft 4 times; twice before reaching the age of 18 years. In view of her record, the exclusion of Mrs. Sharble is mandatory under the provisions of section 212 (a) (9) of the Immigration and Nationality Act of 1952, as amended.

The statement by Miss Johanna Kreuger enclosed with your letter does not serve to overcome this obstacle. The statement is not in consonance with Mrs. Sharble's own description of the incident and Miss Kreuger did not so testify at Mrs. Sharble's trial. Mrs. Sharble has stated to the consulate that the clothing in question was removed from a cleaning shop in which she worked. She, in turn, lent some of the articles to a girl friend who failed to return them. Mrs. Sharble was afraid to go to work the next day. Thereupon she was visited by the police, who found articles from her employer's shop in her possession. It would not appear that the Austrian courts were unreasonable in regarding these actions as constituting a theft.

I regret having to render such an unfavorable report, but wish to assure you that Mrs. Sharble was given every consideration consistent with existing visa laws and regulations.

Sincerely yours,

F. E. MAESTRONE, *American Consul.*

Unto Aro—H. R. 8821, by Mr. Buckley

DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 26, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8821) for the relief of Unto Aro, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted, or who admit the commission, of a crime involving moral turpitude, and would authorize the alien's admission for permanent residence, if he is otherwise admissible under that act. The bill further provides that this exemption shall apply only to a ground for exclusion of which the Department of State or

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the Department of Justice had knowledge prior to the enactment of this Act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE UNTO ARO, BENEFICIARY OF H. R. 8821

The beneficiary, Unto Aro, is a native and citizen of Finland who was born on June 12, 1927. He was married to Ijra Pylkannen, a legal resident alien, on October 30, 1954, in New York City. They reside with their one year old American-born child at 1992 Davidson Avenue, Bronx, N. Y. Mr. Aro is employed in Yorktown Heights, N. Y., as a carpenter and his earnings average $100 per week. His assets consist of $500 in a savings account, a 1955 automobile in which he has an equity of $1,500, and personal property valued at approximately $1,500.

Mr. Aro last entered the United States as a crewman at the port of Baltimore, Md., on June 4, 1954, on the steamship *Dahlia*. On August 11, 1955, he was served with a warrant of arrest in deportation proceedings on the ground that he remained in the United States longer than the authorized period of his admission. On November 1, 1955, after a hearing, an order was entered granting him voluntary departure in lieu of deportation with the alternative of deportation if he fails to comply.

The record indicates that the beneficiary was tried and convicted in March 1946 of the crime of large larcency by the magistrate's court of Helsinki, Finland, and sentenced to imprisonment for 6 months, but execution of the sentence was suspended and he was placed on probation for 3 years.

DEPARTMENT OF STATE,
Washington, April 10, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 3, 1956 requesting a report of the facts in the case of Unto Aro, the beneficiary of H. R. 8821 which was introduced by Mr. Buckley on January 25, 1956.

The records of the Department indicate that Unto Aro has been found by the consul at Helsinki, Finland, to be ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act by reason of his conviction in the magistrates court of Helsinki of attempted larceny. A copy of the translation of the court record is enclosed.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

[Translation]

Criminal Register Information

Criminal register information is requested about the person mentioned below.

1. Family name: Aro. All former family names.
2. All Christian names: Unto Villehard. Father's Christian names: Väinö.
3. Date of birth: Year 1927, June 12.
4. Birthplace: Johannes.
5. Registered (place of residence): Helsinki, Töölö Congregation.
6. Church book: Index.
7. Position or profession: Businessman.
8. For what authority or whom is information requested: For United States authorities.
9. For what purpose is information requested (if for prosecution, shall be mentioned for what crime and in what year committed is the person prosecuted and when arrested, statement about it): For obtaining visa.
10. Criminal register No: (If the No is written down, it is not necessary to fill out the sec. 11.)
11. Has the person been sentenced for such crime as referred to in the criminal register statute, section 1 (where, when, for what and to what punishment? If there are no other information, the report of the person himself or herself shall be written down): ———.
12. Remark: ———.

Helsinki, October 1, 1955.

(Signed) A. Ruhala,
Merchant (By proxy).

Regarding the above person have been reported to the criminal register the decisions mentioned in the extract over leaf and the measures taken in connection with them.

The number of criminal register: 370461.

Helsinki, at the Office of the Criminal Register of the Ministry of Justice, October 1, 1955.

Irja Rossi-Tiihonen.

(Stamp of the Ministry of Justice)

Extract From Criminal Register

Court—Date of judgment	For what sentenced or statement given	Penalty, other measure or statement and notice of them given to the criminal register, also the sections of law	The date when the penalty has been suffered or the concerned released	Suffered imprisonment in convict prison		
				Year	Month	Day
1.3.46 The magistrates court of Helsinki 9th section.	Attempt of large larceny.	6 months' imprisonment. Sentence conditional 3 years' time of probation.	Good in law.			

For a true and correct translation: Helsinki, October 5, 1955.

E. Ronimus,
Sworn Translator.

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I hereby certify that the sworn translator in the English language, Miss E. Ronimus, has by her own hand undersigned the above translation and that she is legally authorized to perform such translations. Helsinki/Helsingfors, City-Hall, October 7th, 1955.

Ex officio:

ROLF LAX,
Premier Notary Public.

Fee and stamps 300 marks.

This is to certify that Mr. Rolf Lax, whose signature and seal of office appear under the foregoing certificate of acknowledgment, is a duly commissioned and qualified premier notary public, in and for the city of Helsinki, and as such, by the laws of Finland, authorized to take and certify acknowledgments and proofs of deeds.

Helsinki, at the Ministry for Foreign Affairs of Finland, October 7, 1955.

H. R. MARTOLA,
Chief of Bureau.

No. 671.
Stamp: 350:– Mk.
SP.

REPUBLIC OF FINLAND, *City of Helsinki, Embassy of the United States of America*, ss:

I, Virgil M. Elliott, Vice Consul of the United States of America at Helsinki, Finland, duly commissioned and qualified, do hereby certify that H. R. Martola, whose true signature and official seal are, respectively, subscribed and affixed to the document to which this, my certificate is attached, was on the 7th day of October 1955, the day of the date thereof, Chief of Bureau of the Finnish Ministry for Foreign Affairs, duly commissioned and qualified, to whose official acts faith and credit are due.

In witness whereof I have hereunto set my hand and affixed the seal of the Consular Service of the United States of America at Helsinki, Finland, this 7th day of October 1955.

[SEAL] VIRGIL M. ELLIOTT,
Vice Consul of the United States of America.

Mrs. Magdalena Brenner Jackson—H. R. 9157, by Mr. Miller of Calif.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington D. C., June 7, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9157) for the relief of Mrs. Magdalena Brenner Jackson, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted, admit the commission, or admit committing the essential elements of a crime involving moral turpitude and would authorize the beneficiary's admission for permanent residence if she is found to be otherwise admissible under that act. The bill would also provide that this exemption shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the bill.

Sincerely,

J. M. SURIEF, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. MAGDALENA BRENNER JACKSON, BENEFICIARY OF H. R. 9157

Information concerning the case obtained from James F. Jackson, husband of the beneficiary.

Mrs. Magdalena Brenner Jackson, a native and citizen of Germany who has never been in the United States, was born on October 4, 1926. She was married to James F. Jackson, a United States citizen, in Augsburg, Germany, on April 30, 1955. Their son, James Ray Jackson, was born in Augsburg on September 4, 1950. Mrs. Jackson and her son live there at 42½ Reinohl Street. Mr. Jackson resides at 24114 Lynn Street in Hayward, California.

The beneficiary, who is not now employed, previously worked as a draftsman. She has no income nor assets and is completely dependent upon her husband for support. After she finished her elementary schooling, she completed 2 years of art and 4 years of drafting by on-the-job training. Her father is deceased. Her mother, 2 brothers, and 6 sisters live in Germany.

James F. Jackson was born in Paris, Tex., on December 31, 1927. He is employed as a slitterman by the Crown-Zellerbach Co. in San Leandro, Calif., at a salary of $385 monthly. He sends the beneficiary and his son about $75 monthly for their support. Mr. Jackson completed the first year of high school. His assets consist of an automobile, furniture, and personal possessions valued at approximately $4,000, on which he owes $535. He served honorably in the United States Army from February 18, 1946, until August 11, 1952. He served overseas from July 1946 to March 1950 and during his service in Germany he and the beneficiary dated each other from 1948 until March of 1950. His parents, 5 brothers, and 4 sisters, all United States citizens, live in this country.

Mr. Jackson visited in Germany during April and May 1955, during which time he married the beneficiary.

Mr. Jackson stated that the beneficiary took some clothes, which were subsequently returned, from a person in Germany in 1945 or 1946 and for that reason she was sentenced to imprisonment for 6 weeks. He also stated that the beneficiary was refused an immigrant visa at the office of the American consulate general in Munich, Germany. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

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DEPARTMENT OF STATE,
Washington, March 30, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: I refer to your letter of February 15, 1956, requesting a report of the facts in the case of Mrs. Magdalena Brenner Jackson, the beneficiary of H. R. 9157, introduced by Mr. Miller on February 7, 1956.

The files of the Department contain a report dated March 16, 1956, from the consulate general at Munich, Germany, indicating that Mrs. Jackson was found on September 23, 1955, to be ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act for the reason that she was convicted on November 25, 1946, by the county court of Augsburg of larceny under section 242 of the German Criminal Code and of embezzlement under section 246 of that code. A copy of a translation of the court record and of the applicable provisions of law are enclosed in duplicate.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

IN THE NAME OF THE LAW—JUDGMENT

The county court, Augsburg, finds during the criminal proceedings versus the single technical draftsman Magdalena Brenner from Augsburg, Reinoelstrasse 42½, because of larceny and embezzlement during the public hearing on Monday, November 25, 1946, at which took part:

(1) Acting Judge Dr. Herbert Steckel, as County Judge.

(2) Acting Public Prosecutor Dr. Smolka, as official of the Public Prosecutor's Office.

(3) Employee of Justice Klaiber as Registrar.

On the basis of the main trial:

Brenner, Magdalena, born October 4, 1926, in Augsburg, single, technical draftsman in Augsburg, Reincelstrasse 42½, Parents: Karl Brenner and Anna, nee Sprenger—not previously convicted—under police detention in this matter since September 16, 1946, and since September 30, 1946, under detention during investigations, is convicted of an offense of larceny pursuant to section 242 of the German Criminal Code in coincidence with an offense of embezzlement pursuant to Section 246, German Criminal Code (Section 74, German Criminal Code) and is sentenced therefor to an aggregate sentence of 6 weeks' imprisonment and payment of the costs of the proceedings.

The penalty has been regarded as served as the defendant was under detention for the same period of time during investigations.

The warrant for arrest of the County Court Augsburg of September 30, 1946, is terminated.

The following facts of the case have been set down to the full satisfaction of the Court by the defendant's confession:

The defendant was employed as a waitress at the messhall of the 9th American Division at Pfersee until the beginning of September 1946. After she had lost this position she went to Fulda to see her former lover—an American soldier. She stayed there with a Mrs.

Luise Keiper, to whom she paid 40 RM for room and board for one week. When she left she stole from her landlady one pair ladies' winter boots with suede trimmings and lambs fur lining, as well as a winter coat. She threw these objects out of the window into the courtyard, so as not to arouse suspicion when she left, picked up the boots and coat after she had departed and rode to Augsburg.

Further a food parcel was entrusted to her by the owner of the grocery store Broenner in Fulda to be delivered to Mr. Konrad Eitner, Augsburg, Hummelstrasse 13. However, the defendant did not deliver this parcel, but used to contents for herself and her relatives. The parcel consisted of one can of milk, one jar of marmalade, one cake, two cleaning rags, two pudding-powder packages, about ½ lb. of spaghetti, one piece of cheese, 100 gramme butter, ¼ lb. sausage, ½ lb. egg powder, 600 gramme coffee and several pickled cucumbers. Further the parcel contained a letter with four pounds worth of bread coupons and 300 gramme worth of meat coupons inside, which the defendant allegedly has lost. She said in her defense that she had lost the letter with the address of the receiver and therefore could not deliver it.

On the basis of her confession the defendant was convicted of an offense of larceny pursuant to Section 242, German Criminal Code, and further of an offense of embezzlement pursuant to Section 246, German Criminal Code.

In determining the measure of the penalty the defendant was granting mitigating circumstances in view of her youth and the fact that she had not been previously convicted; on the other hand, her way of life and the offenses which she committed show that she is a person with criminal tendencies. Taking into consideration all these circumstances, a penalty of three weeks imprisonment for the offense of larceny and a penalty of four weeks for the offense of embezzlement was deemed appropriate. Pursuant to Section 74, German Criminal Code, both penalties were reduced to one cumulative penalty of six weeks imprisonment.

Since the defendant made a confession and also showed that she was sorry for what she had done, the penalty was declared as served by the period of time the defendant had spent under detention during investigations according to section 60 German Criminal Code.

Costs pursuant to section 465 German Criminal Code.

s/ Dr. Steckel,
The County Judge.

[Round Seal, County Court Augsburg.]

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FEDERAL REPUBLIC OF GERMANY,
LAND BAVARIA, CITY OF MUNICH,
Consulate General of the United States of America, ss:

For Certification: Augsburg, November 28, 1946. The Acting Registrar of the Office of the Court:

s/ KLAIBER, *Employee of Justice.*

I, Irene Schwarzmeier, being duly sworn, declare that I well and truly know the German and English languages and that the foregoing is a true and correct translation of a certified copy of the judgment.

IRENE SCHWARZMEIER.

Subscribed and sworn to before me this 15th day of March 1956.

[SEAL] E. VICTOR SAADEH,
Vice Consul of the United States of America.

Service No. 03816
Tariff Item No. 38
Fee Paid: U. S. $ Gratis

SECTION 242 GERMAN CRIMINAL CODE—SIMPLE LARCENY

Whoever takes a movable thing which does not belong to him, from another, with the intention of unlawfully converting it, shall be punished for larcency by imprisonment.

The attempt is punishable.

SECTION 246 GERMAN CRIMINAL CODE—EMBEZZLEMENT

Whoever unlawfully converts a movable thing which belongs to another and of which he has possession or custody shall be punished for embezzlement by imprisonment not to exceed 3 years, and if the thing has been entrusted to him, by imprisonment not to exceed 5 years.

If there are extenuating circumstances, the punishment may be a fine.

The attempt is punishable.

FEDERAL REPUBLIC OF GERMANY,
LAND BAVARIA, CITY OF MUNICH,
Consulate General of the United States of America, ss:

I, E. Victor Saadeh, a vice consul of the United States of America at Munich, Germany, duly commissioned and qualified, do hereby certify that the foregoing copy of the English version of the German Criminal Code sections 242 and 246 is a true and faithful copy of the original this day exhibited to me the same having been carefully examined and compared with the said original and found to agree therewith word for word and figure for figure.

In witness whereof I have hereunto set my hand and official seal this 15th day of March A. D. 1956.

[SEAL] E. VICTOR SAADEH,
Vice Consul of the United States of America.

Service No. 03817
Tariff Item No. 38.
Fee Paid: U. S. $ Gratis.

80895—56——4

Harold F. Cameron—H. R. 9300, by Mr. Dingell

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9300) for the relief of Harold F. Cameron, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission to the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, and would authorize his admission for permanent residence if he is found to be otherwise admissible. It further provides that this waiver shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING,
Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HAROLD F. CAMERON, BENEFICARY OF H. R. 9300

The beneficiary, Harold F. Cameron, a native and citizen of Canada, was born on November 15, 1930. He married Sheila Matthew, a citizen of the United States, at Detroit, Mich., on April 24, 1954. Their only child was born in Detroit, Mich., on May 2, 1955. The beneficiary resides with his parents at 412 Church Street, Windsor, Ontario, Canada. His wife and child reside in Detroit, Mich.

Mr. Cameron is employed as a laborer by the Chrysler Corporation of Canada. He has an elementary school education. He earns $1.81 an hour and has no other income or assets. His wife and child are dependent upon him for support.

The beneficiary was notified by the United States Consul at Windsor, Canada, in November 1955, that he was ineligible to receive a visa because of his conviction on November 11, 1948, at Windsor, Canada, for the crime of theft. Mr. Cameron received a suspended sentence of 2 years' imprisonment for this offense and was placed on probation for a period of 2 years.

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DEPARTMENT OF STATE,
Washington, April 27, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 15, 1956, requesting a report of the facts in the case of Harold F. Cameron, the beneficiary of H. R. 9300 which was introduced by Mr. Dingell on February 14, 1956.

The files of the Department contain a report dated February 24, 1955, from the consulate at Windsor, Canada, indicating that Mr. Cameron has been found ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act by reason of the fact that he was convicted on November 17, 1948, under section 359 subsection (a) of the Criminal Code of Canada for theft of cigarettes in the value of $525 from his employer over a period of several months. The Department encloses in duplicate copies of the court records.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

OFFICE OF CROWN ATTORNEY AND CLERK OF THE PEACE
FOR THE COUNTY OF ESSEX,
January 13, 1956.

Re Harold Francis Cameron.

ROGER J. DESROSIERS, Esq.,
Canada Trust Building, Windsor, Ontario.

DEAR SIR: In response to your inquiries I have caused the records of this office to be searched and find that the charge of theft by servant during September, October, and November of 1948 was laid against the above named on the 5th of November 1948. He was arraigned before the magistrate on November 12th on this charge, at which time he entered a plea of guilty. He was then remanded to November 17th on which date he received a suspended sentence of 2 years.

I trust this is the information which you require.

Yours faithfully,

E. A. DUCHESNE,
Assistant Crown Attorney.

IN THE MAGISTRATES' COURT FOR THE CITY OF WINDSOR

(November 12, 17, 1948)

CANADA, PROVINCE OF ONTARIO,
County of Essex, to wit:

REX v. HAROLD FRANCIS CAMERON

CHARGE: That Harold Francis Cameron of the City of Windsor in the County of Essex, at the City of Windsor during the months of September, October, and November of the present year, being Anno Domini 1948, did, whilst employed by Ponds Drug Stores Limited,

as a servant or in the capacity of a servant, to wit: a stock clerk, unlawfully steal cigarettes of the value of $525, the property of his employers, the said Ponds Drug Stores, Limited, contrary to Sec. 359 of the Criminal Code of Canada.

The following is a transcript of the evidence taken in this matter before His Worship, Magistrate A. W. MacMillan, in his court on the 12th and 17th days of November 1948.

(Reporter's Note: On November 12th, 1948, the above charge was read to the accused who was not represented by counsel. The accused, who was advised of his right of election, elected summary trial and pleaded guilty. The matter was adjourned to November 17th, 1948, for facts and sentence.)

Upon resuming on November 17th, 1948:

Present: Mr. E. C. Awrey, K. C., Crown Attorney.

(Reporter's Note; The accused was not represented by counsel.)

By His Worship: This is for facts and sentence this morning.

By Mr. Awrey: Yes, Your Worship. I have here the statement of the accused which is self-explanatory. After the customary police caution, he is asked: Have you anything to say in answer to the charge?

A. Every week on an average I would take at least 10 or 15 cartons of cigarettes for the last 3 months from the stock room at Ponds Drug Store, 301 Oullette Ave., which I was employed as stockkeeper. After taking them from the store I would take them somewhere and give them to Bob Bond and he would dispose of them at the store where he works. He would sell them and give me the money. There were mostly 18 packages in a carton and I would get $3 a carton from Bob for them.

Q. We would like to ask you some questions. Do you care to answer them? Remember you don't have to answer them unless you want to.

A. I may as well.

Q. Over a period of 2 or 3 months how many cartons do you figure you took from the stock room at Ponds Drug Store?

A. No more than a hundred. I doubt if there was that.

Q. Approximately how much have you received from the sale of the cigarettes through Bob Bond?

A. About $150.

Q. Have you any of the money left that you received from the sale of the cigarettes?

A. No.

Q. What did you do with the money that you received from the sale of the cigarettes?

A. Spent it.

Q. Have you got any of the cigarettes at your house?

A. No. I never took any of the cigarettes home. I wouldn't want my mother or father to find out.

Q. Did anybody ask you to steal the cigarettes?

A. No. I mean when Bob went to work there he asked me if I wanted to get some cigarettes from the store and sell them to him.

Q. How did you get them out of the store?

A. I would just put them in a box and walk out the backway.

Q. How long have you been employed at Ponds?

A. About 7 months.

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Q. Did you sell any of the cigarettes to anybody else other than Bob Bond?
A. No, sir.
Q. Can you read?
A. Yes, sir.
Q. Do you want to read this statement over?
A. Yes.
Q. Having read this statement over, it is true and correct?
A. Yes, sir.
Q. Having read this statement over, is it true and correct?
A. Yes, sir.
Q. Do you want to sign this statement?
A. Yes, sir.

By Mr. Awrey: The statement is signed by the accused and witnessed by Detectives Brand and McLauchlan. This lad is just 17 years of age and has no previous record. However, he wants to watch his step from now on. Any disposition Your Worship makes of it will be satisfactory to the Crown. Some of the cigarettes have been recovered.

By His Worship: Camerson, is there anything you want to say at this time?

By the accused: No, sir.

By His Worship: Sentence will be suspended. You will be placed on your own recognizance for a period of 2 years in the sum of $100 to keep the peace and be of good behavior and I want to see you in my office after court.

Louis Hoekveld—H. R. 9577, by Mr. Rabaut

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 17, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9577) for the relief of Louis Hoekveld, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, and authorize the issuance of an immigrant visa to the beneficiary if he is found to be otherwise admissible. It further provides that this waiver shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LOUIS HOEKVELD, BENEFICIARY OF H. R. 9577

Information concerning this case was obtained from Mrs. Arendje Hoekveld, the beneficiary's wife.

The beneficiary, Louis Hoekveld, a native and citizen of the Netherlands, was born on November 8, 1904. He married Arendje Jongste on December 5, 1934, and they have one child, who was born on August 3, 1941, at Rotterdam, the Netherlands.

Mr. Hoekveld resides at Rotterdam, the Netherlands, where he is employed as a laborer in a brewery. He receives a salary of 65 guilders a week and has no other income or assets. He has an elementary school education.

According to Mrs. Hoekveld, the beneficiary was refused a visa by the American consul at Rotterdam the Netherlands, in July 1952, on the ground that he had been convicted of a crime involving moral turpitude. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Mrs. Hoekveld and her son, Louis Hoekveld, both natives and citizens of the Netherlands, were admitted to the United States for permanent residence on June 16, 1953. They reside at 5300 Wayburn Street, Detroit, Mich. Mrs. Hoekveld is employed as a matron by the National Automotive Fibers Co. at Detroit, Mich. She receives a salary of $255 a month and has assets valued at approximately $1,000. Mrs. Hoekveld previously resided in the United States from 1920 until 1932 when she returned to the Netherlands with her parents.

DEPARTMENT OF STATE,
Washington, March 26, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 2, 1956, requesting a report of the facts in the case of Louis Hoekveld, the beneficiary of H. R. 9577 which was introduced by Mr. Rabaut on February 27, 1956.

The files of the Department contain a report dated October 15, 1954, indicating that Louis Hoekveld was convicted by the District Court of Rotterdam on August 17, 1944, for theft and was sentenced to imprisonment for 5 months. It is indicated that during the later part of 1943 while employed by the Heer's Chocolate & Biscuit Works, Inc., he and another person on several occasions took quantities of butter belonging to the firm with the intention of unlawfully appropriating it. There are enclosed in duplicate copies of a translation of the court record.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

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[Translation]

Date of the sentence
August 17, 1944
Number of the list 539

SENTENCE OF THE DISTRICT COURT AT ROTTERDAM (CHAMBER OF CRIMINAL CASES)

In the case of the Public Prosecutor of that Court versus: (1) Ijsbrant de Ligt, born at Rotterdam, November 5, 1919, confectioner by profession, residing at Rotterdam; (2) Louis Hoekveld, born at Rotterdam, November 8, 1904, confectioner by profession, residing at Rotterdam

The investigation took place at the session of August 3, 1944.

In the summons the accused were charged with the following: that they at Rotterdam, during or about the last quarter of 1943, on one or more occasions, together and in conjunction with one or more other persons, with the purpose of illegal appropriation, stole one or more quantities of butter, belonging wholly or partly to the Heer's Chocolate & Biscuit Works, Inc., or to one or more other persons than to them, the accused, or to aforementioned other person(s) or to one of them;

That they then and there together and in conjunction with one or more other persons, at any rate, each for himself, wilfully and illegally stole those quantities of butter, belonging wholly or partly to aforementioned firm, or to one or more other persons than to the accused, or to aforementioned other person(s) or to one of them, which butter they were using as laborers employed by said firm, for the making of products in behalf of said firm;

The accused have stated at the session, each individually, but in conformity:

That he, at Rotterdam, during the last quarter of 1943, in consultation with his cosuspect, and on several occasions, each time stole a quantity of butter in the factory of the Heer's Chocolate & Biscuit Works, Inc.; that in turn they handed that butter to J. Poldervaart in the W. C., who had undertaken to carry it outside the factory; that in this way about 50 kilograms of butter were carried out of the factory; that afterwards he received about Fl. 400,— from Poldervaart, being his share in the proceeds of the butter; that that butter did not belong to him and that he was not entitled to steal it and to appropriate it; but that he nevertheless did so with the intention to dispose of it for his own benefit; that he understood that this was also the case with his co-suspect.

The witness Henri Coolen:

That he is and during the second half of 1943 was working manager of the Heer's Chocolate & Biscuit Works, Inc., at Rotterdam; that this firm had stored butter, belonging to it, in the warehouse of its premises; that he during said half year missed butter from that warehouse and that later, on inventory, it appeared that there was a shortage of about 50 kilograms; that the firm had not given permission

to the accused and to J. Poldervaart to steal that butter and to appropriate it;

On the basis of aforementioned statements of the accused, whereby the statement of each of the accused has been used only in regard to him who made it, and of the witness, the acts and circumstances mentioned therein have been established.

On the basis thereof the Court is convinced and deems proven that the accused have committed that with which they have been charged primarily, on the understanding that the offense was committed in the last quarter of 1943, on several occasions, together and in conjunction with another person, and that each time a quantity of butter was stolen belonging wholly to the Heer's Chocolate and Biscuit Works, Inc.;

The offense which has been declared proven above leads to as regards each of the accused:

Participation in theft by two or more persons, committed several times, punishable under articles 310, 311 and 57 of the Criminal Code.

The accused are, therefore, punishable.

The punishment to be mentioned hereafter is in conformity with the severity of the offense committed.

The accused have never been sentenced before and their employer did not have any complaints about them; whereas the employer, notwithstanding what happened, kept the accused de Ligt in its employ;

Now that that with which the accused have been charged primarily has been declared proven and punishable, the alternative accusation does not have to be investigated.

The punishment to be imposed is based, besides on the legal provisions already quoted, on article 10 of the Criminal Code.

Because of aforementioned grounds the Court has passed the following sentence:

The Court declares that each of the accused is guilty of the crime described above, that it has been declared proven and that they are, therefore, punishable.

Sentences each of them to imprisonment of FIVE MONTHS;

Orders that the execution of this sentence shall be suspended provisionally, if within 8 days after this sentence has become effective, the accused submit a request for a pardon and until a decision has been made on this request.

Thus passed by Dr. van Oosten Slingeland, LL. D., President, van Roggen, LL. D., and van Riesen, LL. D., Judges, in the presence of Sieperda, LL. D., Court's Clerk, and pronounced at the public session of said Court on the 17th of August 1944.

Signed [sic] G. L. v. O. Slingeland.
Signed [sic] van Roggen
Signed [sic] van Riesen
Signed [sic] Sieperda

For true copy the Court's Clerk signed illegible.

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TRANSLATION OF ARTICLES OF LAW

Article 10 pertains to the imprisonment to be imposed.

ARTICLE 310

A person who takes an object belonging to someone else with the purpose of illegally appropriating it for his own benefit is to be considered guilty of theft and liable to a maximum sentence of four years' imprisonment or a maximum fine of sixty guilders.

ARTICLE 311

By imprisonment of a maximum period of 6 years is punishable:

* * * * * * *

4° Participation in theft by two or more persons.

* * * * * * *

ARTICLE 57

By the coincidence of several acts which have to be considered as actions in themselves and lead to several crimes for which similar principal punishments have been set, one punishment is pronounced. The maximum of this punishment is the combined amount of the highest punishments set for the acts, but not more than one-third above the highest maximum.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 28, 1956.

Re H. R. 9577, for the relief of Louis Hoekveld.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR COLLEAGUE: It will be appreciated very much if you will request reports from the proper departments regarding the above-captioned private bill which I introduced on February 27.

Mr. Hoekveld was convicted of a crime involving moral turpitude during the occupation of Holland by German forces during World War II. At that time, he was working for DeHeer Chocolate & Biscuit Co. and was convicted for stealing 100 pounds of butter. It is my understanding that he was acting for and on behalf of the Dutch underground, and the major portion of the products of the DeHeer Chocolate & Biscuit Co. were being taken by the German occupation forces. Mr. Hoekveld was employed with this company for some 22 years prior to the incident, and he has an excellent record. Mrs. Hoekveld entered the United States about 2 or 3 years ago and resides at 5246 Wayburn, Detroit 24, Mich.

Thanking you for your attention in this matter, I am,

Sincerely yours,

LOUIS C. RABAUT,
Member of Congress.

Paul Clifford Wilkinson—H. R. 9633, by Mr. Gamble

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 21, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9633) for the relief of Paul Clifford Wilkinson, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted, or who admit the commission, of a crime involving moral turpitude and would authorize the alien's admission for permanent residence, if he is otherwise admissible under that act. The bill further provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PAUL CLIFFORD WILKINSON, BENEFICIARY OF H. R. 9633

The beneficiary, Paul Clifford Wilkinson, was born on November 19, 1932, in Nassau, Bahamas, British West Indies. He was married to Vivian Fisher, a citizen of the United States, on July 3, 1954, in Mount Vernon, N. Y. They have a 3 months' old daughter who was born in the United States. The beneficiary's wife and daughter reside with him at 18 South Sixth Avenue, Mount Vernon, N. Y., and are entirely dependent on him for support.

The beneficiary is employed as an auto body assembler by the Ward Motor Vehicle Co. in Mount Vernon, N. Y., and he also works part time as an orderly at the Lawrence Hospital, Bronxville, N. Y. He earns an average of $97 per week from this employment. His only assets consist of an automobile worth about $200 and personal effects valued at $400. He has no relatives in the United States other than his wife and his daughter. His parents, six half sisters and three half brothers are British subjects and reside in Nassau, Bahamas, British West Indies.

The alien first entered the United States on October 30, 1952, at West Palm Beach, Fla., as an agricultural laborer and departed voluntarily on May 10, 1954. He reentered the United States at Miami, Fla., on May 23, 1954, as a visitor for pleasure for 2 months. He was subsequently granted permission to depart voluntarily by February 18, 1956, and upon his failure to do so deportation proceedings were instituted on March 26, 1956, on the ground that he failed to maintain or to comply with the nonimmigrant status under which he was admitted. After a hearing on April 2, 1956, his application for vol-

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untary departure was denied because he had been confined to a penal institution for more than 180 days during the period for which good moral character was required, and he was ordered deported from the United States.

The alien was convicted in Nassau, Bahamas, British West Indies, on November 1, 1951, of the crime of threatened and attempted extortion and was sentenced to imprisonment for a term of 2 years. His application for adjustment of status to that of a permanent resident of the United States under section 245 of the Immigration and Nationality Act was denied by this Service on January 5, 1956, for the reason that he is inadmissible to the United States under section 212 (a) (9) of the act because of the aforementioned criminal record.

DEPARTMENT OF STATE,
Washington, May 4, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR Mr. CELLER: I refer to your letter of March 2, 1956 requesting a report of the facts in the case of Paul Clifford Wilkinson, the beneficiary of H. R. 9633 which was introduced by Mr. Gamble on February 28, 1956.

The files of the Department contain a report dated April 16, 1956 from the consulate at Nassau, Bahamas, stating that Paul C. Wilkinson was born in Nassau on November 19, 1932, resided in the United States from October 1952 to May 1954 on a farm labor project and that he was issued a visitor visa for single entry on May 21, 1954. The report states that Mr. Wilkinson was sentenced on November 1, 1951, to 2 years imprisonment with hard labor on two accounts of attempted extortion and threatening. Copies of the court record in the case are enclosed in duplicate.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Name: Paul Clifford Wilkinson
C. R. O. No. 15594.
No. 1. Offence: (*a*) Attempted extortion; (*b*) Threatening. Date, November 1, 1951.

Sentence: 2 Years H. L. on each count, to run concurrently.

Certified Correct: Superintendent of Bahamas Police—CID. April 6, 1956.

Certified to be a true copy of the original.

RUDOLPH W. HEFTI,
American Vice Consul.

BAHAMA ISLANDS No. 1.

IN THE SUPREME COURT CRIMINAL SIDE

The Queen versus Paul Wilkinson and Leslie Johnson. To wit: Paul Wilkinson and Leslie Johnson are charged with the following offences.

STATEMENT OF OFFENCE, FIRST COUNT

Attempted Extortion, contrary to the Penal Code Section 386 (1).

PARTICULARS OF OFFENCE

Paul Wilkinson and Leslie Johnson on the 26th day of September 1950 at Nassau did attempt to extort money from Sir Herbert Grotrian by means of threats.

STATEMENT OF OFFENCE, SECOND COUNT

Threatening, contrary to the Penal Code Section 450.

PARTICULARS OF OFFENCE

Paul Wilkinson and Leslie Johnson on the 26th day of September 1950 at Nassau did threaten by writing Sir Herbert Grotrian with death or grievous harm.

J. S. R. COLE,
Attorney General.

In the Supreme Court of the Bahama Islands.
Certified to be a true copy of the original document. Dated the 11th day of April 1956.

[SEAL] N. C. ROBERTS, *Acting Registrar.*

PROSECUTION WITNESSES

No. 1
BAHAMA ISLANDS.

1. Lady Mary Lillian Grotrian.
2. Sgt. Nottage, C. I. D.
3. Carl Wilkinson.

IN THE SUPREME COURT CRIMINAL SIDE, JANUARY SESSIONS, 1951, THE KING VERSUS PAUL WILKINSON AND LESLIE JOHNSON

10/1/51—Pleas: Both Not Guilty both Counts.

C. R./Ag. Regr.

11/1/51—Accused Wilkinson changes plea to guilty.
Sentence—2 years imprisonment with hard labour.
Accused Johnson tried 11/1/51.
Verdict: Count 1, Count 2—guilty as charged with mercy.
F. S. TAYLOR, *Foreman.*
Sentence: 12 months I. H. L.
P. A. B. for Registrar 11/1/51.
Information 1. Attempted extortion; 2. Threatening.

J. S. R. COLE, *Attorney General.*

Filed the 10th day of January, 1951.

N. C. ROBERTS, *Ag. Registrar.*

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Mrs. Jeannine P. Downs—H. R. 9670, by Mr. Allen of California

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 21, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9670) for the relief of Mrs. Jeannine P. Downs, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Spokane, Wash., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, and would authorize the alien's admission for permanent residence if she is otherwise admissible under that act. The bill further provides that the waiver would apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. JEANNINE P. DOWNS, BENEFICIARY OF H. R. 9670

Information concerning the case was obtained from Sgt. Robert Montague Downs, the beneficiary's husband.

The beneficiary, Mrs. Jeannine P. Downs, a native and citizen of France, was born on February 21, 1928. She was married in France on August 4, 1953, and resides at Number 5, Cour Jean Jaures, Moulins, France.

Mrs. Downs is not employed outside the home. She completed high school in France. She has no assets and her only income is a dependency allotment amounting to $137.10 a month. Her parents reside in France.

The beneficiary has never been in the United States. According to her husband, she was convicted in 1953 for aiding and abetting an abortion and fined 15,000 francs. A petition to establish a nonquota status in her behalf was approved, but she was refused an immigrant visa in 1955 by the American Consul, Paris, France, because of her conviction for a crime. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Mr. Downs, a citizen of the United States, has served in the United States Air Force since January 12, 1951, and has expressed an intent to make the Air Force a career. He is presently a staff sergeant and earns approximately $2,200 a year.

DEPARTMENT OF STATE,
Washington, May 23, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 6, 1956, requesting a report of the facts in the case of Mrs. Jeannine P. Downs, the beneficiary of H. R. 9670 which was introduced by Mr. Allen of California on February 29, 1956.

The records of the Department contain a report dated April 5, 1956, from the Embassy at Paris indicating that Mrs. Downs is considered ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act by reason of a conviction on May 15, 1953, at Fontainebleau for complicity in abortion. She was given 3 months suspended prison sentence and fined 15,000 francs. There is no other derogatory information relating to Mrs. Downs contained in the Embassy files.

The Department has also received a report dated May 2, 1956, from the Embassy at Paris stating that the offense of which Mrs. Downs was convicted, complicity in abortion, involves procuring or inducing an abortion on another woman.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Mrs. Rita Querard, nee Mayer—H. R. 9707, by Mr. Davidson

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9707) for the relief of Mrs. Rita Querard, nee Mayer, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, and would authorize the alien's admission for permanent residence, if she is otherwise admissible under that act. The bill would further provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. RITA QUERARD, NEE MAYER, BENEFICIARY OF H. R. 9707

Information concerning the case was obtained from Mr. Edmund Querard, the beneficiary's husband.

Rita Querard, nee Mayer, a German citizen, was born on June 1, 1923, at Duerrfeld-bei-Schweinfurt, Germany. She married Edmund Querard, a citizen of the United States, at Schweinfurt, Germany, on December 11, 1954. Her only close relatives are her parents, German citizens, with whom she resides in Duerrfeld. She was convicted of theft in 1941 and 1944. The latter offense involved the theft of a ration card and the circumstances of the earlier offense are not known to her husband. Because of these two convictions the beneficiary was refused a visa by the United States Consul at Frankfurt, Germany, in 1955.

Edmund Querard, the sponsor, was born on September 25, 1931, at St. Thomas, V. I. He resides at 462 West 44th Street, New York, N. Y., and is employed as a shipping clerk by the Advance Pattern Co., 331 East 38th Street, New York, N. Y. His average earnings are $60 a week and his assets consist of $500 in cash savings. He was honorably discharged from the United States Army after service from December 1952 to November 1954.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, for additional information relating to the beneficiary's convictions.

DEPARTMENT OF STATE,
Washington, May 16, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 12, 1956, requesting a report of the facts in the case of Mrs. Rita Querard, nee Mayer, the beneficiary of House Resolution 9707 which was introduced by Mr. Davidson on March 1, 1956.

The files of the Department contain a report from the American consulate general at Frankfort dated April 24, 1956, containing the following information relating to Mrs. Querard.

"The customary security investigations which were initiated in connection with Mrs. Querard's application revealed that she was convicted on October 16, 1941, by the district court in Schweinfurt for theft and attempted fraud and sentenced to 18 days' imprisonment in accordance with paragraphs 262, 263, 43, and 74 of the German Penal Code; on December 14, 1945, by the district court in Dillingen for aggravated larceny—burglary in several separate instances—and sentenced to 3 months' imprisonment in accordance with paragraphs 242, 243, and 73 of the German Penal Code.

"Mrs. Querard is, therefore, inadmissible to the United States under section 212 (a) (9) of the Immigration and Nationality Act and was informally refused a visa at this office on March 2, 1955."

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

[Translation]

File No. 2 PLS 1576/1941.

To the District Court Schweinfurt, with the request to make out the following Court Order:

I. COURT ORDER

To Rita Maier, worker, Duerrfeld, House No. 3:

According to a report of the Police at Gochsheim, dated October 2, 1941, you have continuously and in another independent case stolen movable items not belonging to you, with the intent to appropriate them in order to gain an illegal advantage of property and to damage the property of another person in causing an error through misrepresentation of facts. From September 15 until September 20, 1941, you were employed in the household of the tailor's wife Maria Leitherer. During this time you have stolen the following items from Mrs. Leitherer's apartment without aggravating circumstances, however, when committing the theft you had the intention right in the beginning to repeat this action: 3 meat ration cards, a silver cigarette-case, 2 towels, 4 pillow-cases, 2 silk lady's shirts, a lady's girdle, 6 m elastic, and three pieces of soap, all representing a value of about 25 Reichsmark.

On September 13, 1941, you swindled to Mrs. Leitherer that you were able to get a duck, if Mrs. Leitherer would give you RM 8.- or 10.-. Mrs. Leitherer did not trust your statement and did not give you the money requested. You were only interested in getting the money. You did not intend in the beginning and did not have the opportunity either to get a duck for Mrs. Leitherer.

This action represents a continuous violation of theft in connection with a violation of attempted fraud in accordance with paragraphs 242, 263, 43, 74 of the German Penal Code.

Evidence: Report.

I request to impose an imprisonment sentence on the accused of 2 weeks and 1 week, which is to be combined into an imprisonment sentence of 18 days. The accused must pay the costs of the proceedings.

Schweinfurt, 7 October 1941.

Amtsanwaltschaft fuer den Landgerichtsbezirk Schweinfurt, by order: s/ illegible.

Upon the written request of the Attorney General and following the above regulations and paragraph 107 of the Criminal Procedure, you are convicted to serve an imprisonment sentenced as requested before.

Furthermore you have to pay the costs of the proceedings.

This court order becomes effective unless you make an appeal in writing to the below mentioned District Court or have an appeal entered officially by the clerk of the court within one week after

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receipt of this document. This appeal can be sent in together with the statement of the proof serving the defence.

Schweinfurt, October 16, 1941.

The Judge:

(s) illegible.

Michael Monak—H. R. 9709, by Mr. Dingell

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington D. C., May 21, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9709) for the relief of Michael Monak, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission to the United States aliens who have been convicted of a crime involving moral turpitude or aliens who admit having committed such a crime, and would authorize his admission for permanent residence, if he is found to be otherwise admissible. It further provides that this waiver shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MICHAEL MONAK, BENEFICIARY OF H. R. 9709

The beneficiary, Michael Monak, was born on November 21, 1934, in Czechoslovakia, and is now a citizen of Canada. He married Donna Jean Konen, a citizen of the United States on January 17, 1955, and they have a son, David, who was born on April 6, 1955, at Detroit, Mich.

Mr. Monak resides with his wife and child at 442 Jefferson Boulevard, Riverside, Ontario, Canada. He is employed as a laborer by the Chrysler Motor Car Company at Windsor, Canada, and earns $1.71 an hour. He has no other income or assets. He completed elementary school in Canada. His parents reside in Windsor, Canada.

The beneficiary was notified on January 25, 1956, by the United States consul at Windsor, Canada, that he was ineligible to receive a visa because of his conviction on March 18, 1952, at Windsor, Canada, for the crimes of breaking and entering, and theft of a radio. Mr. Monak received a suspended sentence on each charge and was placed on 2 years' probation.

80895—56——5

DEPARTMENT OF STATE,
Washington, June 28, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 15, 1956 requesting a report of the facts in the case of Michael Monak, the beneficiary of H. R. 9709 which was introduced by Mr. Dingell on March 1, 1956.

The files of the Department contain a report dated June 7, 1956, from the consulate at Windsor, Canada, containing the following information.

"Mr. Monak submitted a preliminary application for an immigrant visa to this office on January 11, 1956. Since it was indicated on his application that he had been convicted of an indictable offence, he was requested to submit the court records covering previous conditions. The official court records were received at the consulate and it was indicated thereon that Mr. Monak had been convicted on a charge of theft under section 386 of the Criminal Code of Canada as well as a charge of break, enter and theft under section 460 of the Criminal Code. As there were two separate convictions involved, Mr. Monak was ineligible for relief under the proviso contained in section 212 (a) (9) of the Immigration and Nationality Act as well as under Public Law 770.

"As requested in the Department's OMV, there are forwarded herewith, in triplicate, the Windsor Police Department and Royal Canadian Mounted Police certificate as well as two court records covering the convictions."

Copies of the court records referred to are enclosed.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

ROYAL CANADIAN MOUNTED POLICE,
HEADQUARTERS,
Ottawa, May 22, 1956.

The United States Consular Service
Re Michael Monak.

The attached fingerprints of Michael Monak have been identified as those of our F. P. S. #753374. The following conviction, for an indictable offence, supported by fingerprints, is recorded against him:

March 18, 1952—Windsor, Ontario: (1) B. E. and theft. (2) Theft of radio. 2 years susp. sent. each charge conc.—as Michael Monak, PD. #12012.

Fingerprint Classification:
31 W 110 18.
28 W M11 16.

R. P. HANSON,
Insp., Officer in Charge,
Identification Branch.

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No. 14304

CITY OF WINDSOR POLICE DEPARTMENT.
BUREAU OF IDENTIFICATION AND RECORDS,
Windsor, Ontario, Canada, August 30, 1955.

UNITED STATES CONSUL.

DEAR SIR: This is to certify that a search of the criminal records of The Windsor Police Department which includes the criminal records for the county of Essex, regarding Mr. Michael Monak, 422 Jefferson Buolevard, discloses the following:

(See below for record.)

Signed on behalf of the chief constable of the city of Windsor.

J. A. BURDON,
Superintendent, Bureau of Identification and Records.

March 18, 1952, Windsor, Ontario:
B & E & Theft, Sentence suspended, recog $100.00 for 2 years.
Theft of radio, Sentence suspended, recog $100.00 for 2 years concurrent.
April 21, 1952, Windsor, Ontario, County Mag. Court: H. T. A. 29–1, $10.00 & costs or 5 days.
November 30, 1954, Windsor, Ontario, County Mag. Court: H. T. A. 25–2, $25.00 & costs or 10 days.

J. A. BURDON,
Det./Sgt., and Identification Records Bureau.

CANADA—PROVINCE OF ONTARIO, COUNTY OF ESSEX, CITY OF WINDSOR

The information and complaint of C. W. Farrow, Chief Constable, Windsor, Ontario, taken this 3d day of March, in the year of our Lord, one thousand nine hundred and fifty-two before the undersigned Justice of the Peace in and for the County of Essex, who saith that he is informed and believes that Edward St. Dennis, Michael Monak, Donald Lauzon, and Edward Fauteux, of the City of Windsor in the County of Essex, at the City of Windsor on or about the 26th day of February 1952, together, did unlawfully steal from an automobile parked on the public street, an automobile radio of the value of more than $25, the property of a person or persons as yet unknown, contrary to the form of Statute in such case made and provided, Sec. 386, Criminal Code.

Certified a true copy of the original information:

W. A. HASTINGS,
Justice of the Peace.

Sworn before me the day and year first above mentioned at Windsor, in the county aforesaid.

(Signed) C. W. FARROW,
Informant.
(Signed) W. J. DALTON,
Justice of the Peace.

ELECTION—SECTION 781-2 (B)

Consent of the accused obtained by magistrate: You have the option to be forthwith tried by me without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary way by the court having criminal jurisdiction.

Read over to the accused by me.

Mch 11/52. (Signed) A. W. Mac,
Magistrate, Windsor, Ontario.

Name:
St. Dennis, Edward—2412.
Monak, Michael—2413.
Lauzon, Donald—2414.
Fauteux, Edward—2415.

Charge: Theft of radio.
Date laid: Mar. 3/52.
Date of arraignment: Mch 11, 1952.
Election: Each summary.
Plea: Each guilty.

REMANDS

Date:
Mch 4 to Mch 11/52.
Mch 11 to Mch 18/52.
Mch 18/52.

Fauteux: One year determinate, 6 months indeterminate.
Judgment: Ont Ref. Guelph to date from Mch 11/52.
Sentence: Concurrent. St. Dennis, Monak, Lauzon: Sentence suspended.
Fine: $100 recognizance, 2 years concurrent.

(Signed) A. W. MacMillan,
Police Magistrate.

CANADA—PROVINCE OF ONTARIO, COUNTY OF ESSEX, CITY OF WINDSOR

The information and complaint of C. W. Farrow, Chief Constable, Windsor, Ontario, taken this 3d day of March, in the year of our Lord, one thousand nine hundred and fifty-two before the undersigned Justice of the Peace in and for the County of Essex, who saith that he is informed and believes that Donald Momney, Michael Monak, Edward St. Dennis, Donald Lauzon, and Edward Fauteux, of the City of Windsor, in the County of Essex, at the City of Windsor on or about the 29th day of February 1952, together, did unlawfully break and enter a building within the curtilage of a dwelling house, namely, a garage situated at the rear of 1671 Sandwich Street East, and did commit an indictable offence therein, to wit: the theft of a quantity of gasoline and a gasoline tank pump handle of the total value of less than $25, the property of the St. Joseph's Manor, con-

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trary to the form of the Statute in such case made and provided, Sec. 460, Criminal Code.

(Signed) C. W. FARROW,
Informant.
(Signed) W. J. DALTON,
Justice of the Peace.

Sworn before me the day and year first above mentioned at Windsor, in the county aforesaid.

Certified a true copy of the original information:

W. A. HASTINGS,
Justice of the Peace.

ELECTION—SECTION 781–2 (B)

Consent of the accused obtained by magistrate: You have the option to be forthwith tried by me without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary way by the court having criminal jurisdiction.

Read over to the accused by me.

Mch 11/52.

(Signed) A. W. MAC,
Magistrate, Windsor, Ontario.

Name:
Momney, Donald—2407.
Monak, Michael—2408.
St. Dennis, Edward—2409.
Lauzon, Donald—2410.
Fauteux, Edward—2411.

Charge: Break, enter and theft.
Date laid: Mar. 3/52.
Date of arraignment: Mch 11, 1952.
Election: Each summary.
Plea: Each guilty.
Bail: Concurrent.

REMANDS

Date:
Mch 4 to Mch 11/52.
Mch 11 to Mch 18/52.
Mch 18/52.

Fauteau: One year determinate to 6 months indeterminate.
Judgment: Ont. Ref. Guelph, To date from Mch 11/52.
Sentence: Momney, Monak, St. Dennis, and Lauzon: Sentence suspended.
Fine: $100 recognizance, 2 years.

(Signed) A. W. MACMILLAN,
Police Magistrate.

Henry James Carne—H. R. 9736, by Mr. Radwan

DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9736) for the relief of Henry James Carne, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, and would authorize the alien's admission for permanent residence, if he is otherwise admissible under that act. It would also provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HENRY JAMES CARNE, BENEFICIARY OF H. R. 9736

Henry James Carne, a British subject, was born on April 23, 1908, in Birmingham, England. He married Evelyn Marshall, a native and citizen of the United States, on August 9, 1929, in Hamilton, Ontario, Canada. This was the first marriage for both. Four children, the issue of this marriage, were born in Canada. James, age 26, and Sherwin, age 24, are both married and reside in Canada. The other children, Dale, age 15, a United States citizen through his mother, and Valerie, age 9, who is illegally in the United States, reside with their mother and the beneficiary at 365½ Maryland Street, Buffalo, N. Y. His wife and two children are wholly dependent on him for support.

Mr. Carne has been employed steadily since 1953 as a firemen by the Hotel Touraine, Buffalo, N. Y., and is now earning $70 per week. The only family assets are household furnishings and personal belongings. He was graduated from elementary and high school in Canada, and has no special skill or profession. Prior to his arrival in the United States, he operated a restaurant in Canada. His only relative, aside from his immediate family, is a brother residing in Canada.

The beneficiary first entered the United States in July 1953, and was admitted as a visitor for pleasure. However, he violated his nonimmigrant status by engaging in gainful employment. Mr. Carne last arrived in the United States at Buffalo, N. Y., on September 15, 1954, to resume his illegal residence, following a short trip to Canada,

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at which time he was admitted upon falsely claiming birth in the United States. He was previously refused an immigrant visa on two occasions by the American consul, Niagara Falls, Ontario, Canada. Such denials were in 1952, when it was held that he was a person likely to become a public charge; and in 1953, on the ground that he had been convicted in November 1935 for attempting to procure an abortion (his wife), a crime held to involve moral turpitude. He was given a suspended sentence of 3 years' imprisonment for this conviction. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Deportation proceedings were instituted against the beneficiary, and on December 7, 1955, he was found deportable on the charge that at the time of his entry he was an immigrant not in possession of a valid unexpired immigrant visa, and not exempted from the presentation thereof. He was granted the privilege of departing voluntarily from the United States, but to date has failed to avail himself of that privilege.

DEPARTMENT OF STATE,
WASHINGTON, *April 19, 1956.*

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 8, 1956, requesting a report of the facts in the case of Henry James Carne, the beneficiary of H. R. 9736, which was introduced by Mr. Radwan on March 2, 1956.

The files of the Department contain information received from the consulate at Niagara Falls, Canada, indicating that Mr. Carne is considered to be ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act for the reason that he was convicted on November 22, 1935, in a Canadian court at Hamilton, Ontario, for attempting to procure an abortion under section 303 of the Canadian Criminal Code. There is enclosed a copy of an affidavit dated March 2, 1955, executed by Henry James Carne. A copy of the section of law referred to is also enclosed.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

SEC. 303. Every one is guilty of an indictable offence and liable to imprisonment for life who, with intent to procure the miscarriage of any woman, whether she is or is not with child, unlawfully administers to her or causes to be taken by her any drug or other noxious thing, or unlawfully uses on her any instrument or other means whatsoever with the like intent.

AFFIDAVIT

STATE OF NEW YORK,
City of Buffalo, County of Erie, ss.:

I, Henry James Carne, residing at 365½ Maryland Street, Buffalo, N. Y., being duly sworn according to law, do hereby depose and state:

That I was born on April 23, 1908, in Birmingham, England; that my wife, Evelyn Emily Carne, nee Marshall, is an American citizen by birth, having been born on March 25, 1911, in Boston, Mass.; that we were married in Hamilton, Ontario, Canada, on August 9, 1929; that two sons were born of this marriage, James Houston Carne on July 13, 1930, and Sherwin Marshall Carne on October 2, 1932;

That the family physician advised my wife that it would be extremely dangerous for her to have any more children; that several years later, when she discovered that she was pregnant, she became frightened; that on the advice of a friend, she procured a commercial medicine; that a miscarriage followed and my wife was hospitalized; that a condition of lead poisoning developed and a report of this was made to the Hamilton Police Department by an intern at the hospital; that, since I did not want my wife to face the situation alone, when I was questioned by the policy I stated that my wife's action was carried out with my consent; that I was booked on November 2, 1935, on the charge of "attempt to procure abortion," section 303, C. C., and received a suspended sentence;

That later two daughters were born to us, Dale Sharon on October 14, 1940, and Valerie Lee on January 8, 1947;

That in June 1953, I came to the United States accompanied by my wife and two daughters;

That at the present time, James Houston Carne is attending Roberts Wesleyan College, North Chili, N. Y.; that Sherwin Marshall Carne is serving in the Canadian Navy; that Dale Sharon Carne and Valerie Lee Carne are residing at the above-given address with my wife and me;

That I have been given the opportunity to adjust my status by the local Immigration and Naturalization Service;

That I am executing this affidavit to be submitted in support of my application for an immigrant visa to enter the United States for permanent residence so that I may reside with my American-born wife and family;

That the above statements are true to the best of my knowledge.

HENRY JAMES CARNE.

Subscribed to and sworn before me this 2d day of March 1955.

MARY M. TOVEY, *Notary Public.*

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Mrs. Erika Katharina Fasser Kresge—H. R. 9935, by Mr. Cole

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 24, 1956.

Hon. EMANUAL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9935) for the relief of Mrs. Erika Katharina Fasser Kresge, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the El Paso, Tex., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, and would authorize the alien's admission for permanent residence if she is found to be otherwise admissible. The bill would also provide that this exemption shall apply only to grounds for exclusion under this provision of which the Department of State or the Department of Justice has knowledge prior to the enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. ERIKA KATHARINA FASSER KRESGE, BENEFICIARY OF H. R. 9935

Information concerning the case was obtained from Specialist 2d Class Richard A. Kresge, the husband of the beneficiary.

Mrs. Erika Katharina Fasser Kresge was born on July 29, 1933, in Innsbruck, Austria. She married Richard A. Kresge, a native and citizen of the United States, in Rum Bei Innsbruck, September 26, 1955. They have two children, both of whom were born in Innsbruck, Austria, on August 31, 1954, and December 27, 1955, respectively.

The beneficiary now resides in Austria. She is not gainfully employed but formerly worked in a factory that produces yarn. Here husband is a Specialist 2d Class in the United States Army. He was inducted in May 1952 and is now serving at White Sands Proving Grounds, N. Mex. His salary and allotments total $261 a month. He has $400 in a savings account. The beneficiary graduated from grade school. Her parents and her brother and sister reside in Austria.

The beneficiary was denied a visa by the United States Consul at Salzburg, Austria, in September 1955 for the reason that she had been convicted of theft. According to Richard A. Kresge, some linen valued in excess of $50 was stolen by a group of 10 persons, and the beneficiary was then engaged to a member of this group. She was aware of the theft and permitted stolen articles to be left in her home. She was convicted in Innsbruck, Austria, on August 18, 1952, and received a sentence of 3 months for the crime of theft. She actually served 6 weeks.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary's conviction.

DEPARTMENT OF STATE,
WASHINGTON, *April 20, 1956.*

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 26, 1956, requesting a report of the facts in the case of Mrs. Erika Katharina Fasser Kresge, the beneficiary of H. R. 9935, which was introduced by Mr. Cole on March 13, 1956.

The files of the Department contain a report dated January 4, 1956, from the Consulate at Salzburg, Austria, indicating that Mrs. Kresge has been found to be ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act by reason of the fact that she was convicted by the Land Court of Innsbruck on October 22, 1952, when she was 19 years of age, of participating as an accessory to the crime of larceny for which she was sentenced to 3 months imprisonment. Her conviction was based upon paragraph 171, 174I.d, 174.II.a, and 185 of the Austrian Criminal Code. The offense involved the theft of various articles, including food, clothing, linen, and household utensils. There are enclosed copies in duplicate of two statements relating to Mrs. Kresge's conviction.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

9 Vr 457/52

CERTIFICATE

Erika Fasser, born on 29 July 1933, single, laborer, was sentenced by the Supreme Court as Jury Innsbruck, as per sentence of 18 August 1952 for the crime of theft and participation of theft, to 3 months, severe and heavy imprisonment.

Aggravating circumstances were the combination of two punishable deeds, the repetition and repeated qualification as crime, the committing of the theft at night; alleviating circumstances were the confession, the blamelessness of the character, the age under 20 years, and the inducement by Giuliani.

Supreme Court Innsbruck.
Section 17, on 26 September 1955.

(Signed) Dr. PEKAREK.

Official seal: Supreme Court Innsbruck.
A true translation:

DR. MARIA HARM,
Sworn interpreter and interpreter of former 7605 Camp Rum Storage Point, APO 541, U. S. Army, 27 September 1955.

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Mrs. Edward W. McCrary—H. R. 10327, by Mr. Morrison

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 10327) for the relief of Mrs. Edward W. McCrary, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New Orleans, La., office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude and would authorize the alien's admission for permanent residence if she is otherwise admissible under that act. The bill also provides that this exemption shall apply only to a ground for exclusion of which the Department of State of the Department of Justice has knowledge prior to the enactment of the act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. EDWARD W. M'CRARY, BENEFICIARY, H. R. 10327

Information concerning this case was obtained from the beneficiary's husband, Edward Woodard McCrary III.

The beneficiary, whose maiden name was Henrietta Janette Gretina Schoon, was born on February 12, 1932, at Wilsemsphene, Aurich, Germany. She was married to Edward Woodard McCrary, a member of the United States Air Force on March 20, 1954, in Germany. Neither has ever been previously married. They have a son, Edward Herman McCrary, who was born on January 27, 1954, in Germany. They are expecting another child in May 1956. The beneficiary has a grammar-school education with no special skills and is unemployed. She and her son are solely dependent upon the husband for support. The beneficiary and child live with her widowed mother, Mrs. Rickend De Wall Schoon, at Westerwiecke 44, Wiesmoor-Ostf, Germany. She has two brothers, Jacob and Rickard, and two sisters, Miss Regina Schoon and Mrs. Gepirca Koch, living in Wiesmoor-Ostf, Germany. Another sister, Mrs. Erika Vergal, lives in Dortmunt, Germany.

The beneficiary's husband, Edward Woodard McCrary III, was born in Birmingham, Ala., on April 11, 1931, and presently resides with his parents at 2649 Plank Road, Baton Rouge, La. He attended high school in Baton Rouge, La., and pursued a medical course at Southwestern Louisiana Institute, Lafayette, La., from 1948 until he entered the United States Air Force in February 1951. He served as an Airman 1/C, X-ray technician, and was honorably discharged on January 22, 1955. After his discharge from the Air Force, he

returned to Germany on March 1, 1955, and joined his family. He was employed in a hospital in Germany until February 1956, at which time he returned to the United States. He is now employed by his father as an unskilled helper. He receives $40 a week, plus all living expenses. He has no property or income other than his salary. His father, Edward Woodard McCrary II, owns and operates the McCrary Speedometer & Magneto Service in Baton Rouge, La. His father, who is willing to assume responsibility for the beneficiary, estimates his business to be worth $30,000.

The beneficiary has never been in the United States. She was refused an immigration visa because of a conviction and $25 fine in Germany on September 19, 1952, for forgery. Her husband states that the conviction was caused by the beneficiary's misuse of a travel pass issued to her sister and signed by the beneficiary in her sister's name.

The committee may wish to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary.

DEPARTMENT OF STATE,
WASHINGTON, *June 15, 1956.*

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of April 4, 1956, requesting a report of the facts in the case of Mrs. Edward W. McCrary, the beneficiary of H. R. 10327, which was introduced by Mr. Morrison on March 29, 1956.

The files of the Department contain a report dated May 17, 1956, from the Consulate General at Hamburg, Germany, indicating that Mrs. McCrary was found on November 7, 1955, to be ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act. The report reads as follows:

"Mrs. Hinriette Gretine Jannette McCrary, nee Schoon, born on February 12, 1932, at Wilhelmshaven, Germany, was refused an immigrant visa by this office under section 212 (a) (9) of the Immigration and Nationality Act on November 7, 1955. She is the beneficiary of VP 6–I–8931 approved on July 8, 1955, granting her nonquota status as the wife of an American citizen. She is married to Mr. Edward Woodard McCrary III, whose address in the United States is 648 Penalvert Street, Baton Rouge, La.

"The court record on which the visa refusal was based was returned to Mr. McCrary during a personal interview at this office on December 9, 1955. The appropriate court has, however, now been requested to provide another certified copy of the record. It will be forwarded, in triplicate, when received.

"Mrs. McCrary's visa file shows that she was convicted by the municipal court (Amtsgericht) of Wiesbaden, Germany, on September 19, 1952, for simple forgery and deceit in legal transactions under, respectively, sections 267 and 281 of the German Penal Code. These sections are attached, with translations, for the use of the Committee on the Judiciary of the House of Representatives.

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"The court record which was returned to Mr. McCrary stated that the then Miss Hinriette Schoon was accused at Wiesbaden of having repeatedly and intentionally during the winter of 1951 and 1952 fraudulently used an identity card issued to her sister Erika Schoon, and that she had repeatedly identified herself to the police authorities with this document. It is also stated that further to decieve as to her identity, she signed in February 1952 an official registration with the name of her sister Erika Schoon, and in March 1952 she signed a similar registration with the name Erika Vretzal. She was found guilty and sentenced to pay a fine of DM 135 or serve 27 days in prison. As forgery is a felony, Mrs. McCrary may not benefit from the relief provided under Section 4, Public Law 770, 83d Congress, which excuses persons convicted of one petty offense.

"A full security check completed on September 15, 1955, revealed no information derogatory to Mrs. McCrary, other than the above."

A copy of an extract from the German Penal Code is enclosed.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Hans Hirth—H. R. 11823, by Mr. Jarman

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 6, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 11823) for the relief of Hans Hirth, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Dallas, Tex., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of or admit the commission of a crime involving moral turpitude, and would authorize the alien's admission for permanent residence if he is found to be otherwise admissible.

The exemption granted the beneficiary is limited to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HANS HIRTH, BENEFICIARY OF H. R. 11823

Information concerning the case was obtained from Mr. Ragnvald Olsen, the beneficiary's sponsor.

Hans Hirth is a native and citizen of Hungary. He was born in Elek, Hungary, on May 24, 1925. He is single and has no one dependent upon him for support. Mr. Hirth is residing at AM Maxfeld 177–A, Nuremberg, Germany. He is a mechanic by trade

and is self-employed in that capacity. He has no assets, and his income is presumed to be small. Mr. Hirth completed 10 years of school. He has never been in the United States. The beneficiary's parents, Mr. and Mrs. Johann Hirth, and two sisters were admitted to the United States as displaced persons on December 7, 1951. His parents are employed by and reside on Mr. Olsen's farm near Oklahoma City, Okla. They receive a salary of $225 per month, and are furnished a house and produce from the farm. One of the beneficiary's sisters is also employed by Mr. Olsen as a secretary. She receives a salary of $300 per month. The other sister is married to a United States citizen and is employed by Sears, Roebuck & Co. She receives a salary of $225 per month. The Hirth family fled from Hungary during September 1944. They arrived in the American Zone in Germany during December 1945. According to Mr. Olsen, the beneficiary was convicted in Germany for theft of a lightning rod from a bombed-out residence chimney. He was denied the issuance of an immigrant visa by the American consular service in Munich, Germany, because of this conviction.

Mr. Ragnvald Olsen was born on September 2, 1890, in Norway. He was naturalized on September 19, 1925, in Oklahoma City, Okla. He was married to Laureada Howard, a United States citizen, in Hobart, Okla., on October 16, 1913. They have one son, R. Howard Olsen, 25 years of age. Mr. and Mrs. Olsen reside at 1701 Camden Way, Oklahoma City, Okla. He has been self-employed for the past 30 years. Mr. Olsen is an independent oil producer. He lists his assets as in excess of $500,000. Mr. Olsen does not know the beneficiary personally. He agreed to sponsor the alien because his parents requested him to do so. Mr. Olsen testified that the beneficiary would be employed by him if he is found to be a capable mechanic.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information concerning the denial of a visa to the beneficiary.

DEPARTMENT OF STATE,
Washington, June 26, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of June 19, 1956, requesting a report of the facts in the case of Hans Hirth, the beneficiary of H. R. 11823, which was introduced by Mr. Jarman on June 18, 1956.

The files of the Department contain information received from the Consulate General at Munich, Germany, under date of June 28, 1955, stating that Mr. Hirth was refused a visa under section 212 (a) (9) of the Immigration and Nationality Act by reason of the fact that he was convicted on April 26, 1951, of aggravated larceny under paragraphs 242 and 243, section 1, No. 2, of the German Criminal Code. The court stated that he confessed that "he had intended to steal from a locked place while breaking in."

Section 4 of Public Law 770 provides that a visa may be issued to an alien ineligible because of one conviction of a misdemeanor classifiable as a petty offense under the provisions of section 1 (3) of Title 18, United States Code. It was held, however, that this would not

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provide relief to Mr. Hirth because his conviction was comparable to housebreaking under the laws of the District of Columbia, Title 22, Section 1801, of the District of Columbia Code, which is a felony, rather than a misdemeanor classifiable as a petty offense. In view of the circumstances, the consul had no choice but to consider Mr. Hirth ineligible under section 212 (a) (9) of Public Law 414.

The court, however, took into account the fact that, while the defendant admitted that he had intended to steal, he had actually obtained nothing. This, together with other mitigating circumstances, led to punishment of only 30 days in jail.

Sincerely yours,

ROLLAND WELCH, *Director, Visa Office.*

Mr. Jarman, the author of H. R. 11823, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

STATEMENT OF CONGRESSMAN JOHN JARMAN, FIFTH DISTRICT, OKLAHOMA, BEFORE SUBCOMMITTEE ON IMMIGRATION AND NATIONALITY, HOUSE JUDICIARY COMMITTEE, JULY 9, 1956

Mr. Chairman, I appear before you today in an effort to get H. R. 11823, a private bill which I have introduced for the relief of Hans Hirth, favorably reported by this committee. I believe this to be a just bill and I am particularly anxious that it be enacted into law before the end of this session of the Congress.

Hans Hirth was born on May 24, 1925, in Elek, Hungary, where he lived until he was inducted in the Hungarian Army about 1943. When the Russians invaded Hungary in 1944, members of the Hirth family escaped to Austria, where Hans joined them after the war. Later they were shipped by freight train to Bavaria, Germany. This boy's family, consisting of his father, mother, and two sisters, was admitted to the United States and now live and take care of the ranch of Mr. R. Olsen, of Oklahoma City. Mr. Olsen has promised employment to Hans upon his admittance to the United States. Hans Hirth's application for a visa was disapproved by the American Consul at Munich, Germany.

On July 26, 1955, we were advised that he was found to be ineligible to receive a visa under the provisions of section 212 (a) (9) of the Immigration and Nationality Act. This denial by the consul at Munich was based upon Hans Hirth's conviction by the county court of Nuernberg of aggravated larceny. The boy had entered an abandoned building (actually two chimneys were all that was standing) and attempted to remove and salvage a lightning rod. The sentence actually imposed for the offense was imprisonment of 1 month—no part of which he was required to serve. A motion to reconsider the decision denying the issuance of the visa was submitted on the grounds that said decision is erroneous and is not supported by, but is contrary to, the provisions of section 4 of Public Law 770 and of section 212 (a) (9) of the Immigration and Nationality Act. The conclusion of motion to reconsider reads as follows:

(1) The offense for which movant was convicted in Germany was purely political;

(2) Said offense, if committed in the United States, would not be a crime involving moral turpitude, according to the laws and standards, generally, of the United States;

(3) Measured by the punishment actually imposed, the offense under section 1 (3), title 18, United States Code, would be a "misdemeanor classifiable as a petty offense";

(4) The offense, if committed in the District of Columbia, would not be a violation of the criminal code of said District, section 1601, title 22, D. C.;

(5) The laws and standards of the District of Columbia do not constitute the laws and moral standards, generally, of the United States.

The American consul at Munich stands by his original decision and, therefore, I have introduced H. R. 11823 for the relief of Hans Hirth. I earnestly seek the committee's favorable consideration of this matter.

SECTION 5

The 13 beneficiaries of this section are all wives of United States citizens. They have been found ineligible for admission to the United States, as aliens who have practiced prostitution, under the provision of section 212 (a) (12) of the Immigration and Nationality Act. Since the practice of prostitution has been held to constitute a crime involving moral turpitude, the beneficiaries are also inadmissible to the United States under the provision of section 212 (a) (9) of the above-mentioned act.

Departmental reports on each case included in this section of the joint resolution, and such additional information as was submitted to the committee, are printed below.

Mercedes Dori Lengyel—H. R. 7376, by Mr. Morano

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 12, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7376) for the relief of Mrs. Mercedes Dori Lengyel, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or admit committing acts which constitute the essential elements of such a crime, and would authorize the alien's admission for permanent residence if she is found to be otherwise admissible under such act. It appears, however, that the beneficiary may also be inadmissible under section 212 (a) (12) of that act, which excludes from ad-

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mission aliens who are prostitutes or who have engaged in prostitution. The bill would further provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MERCEDES DORI LENGYEL, BENEFICIARY OF H. R. 7376

Information concerning this case was obtained from Stephen Paul Lengyel, Jr., the beneficiary's husband.

Mercedes Dori Lengyel nee Dori, a native and citizen of Italy, was born on April 25, 1926, in Rome. She was married to Stephen Paul Lengyel, Jr., in Rome on September 5, 1954. Their son, Robert, was born on July 6, 1954, in Rome, Italy. The beneficiary and her son reside at Via Luigi Ferdinando Marsigli 40, Rome, with her parents. Her educational background is unknown. She is a manicurist but is presently unemployed. Mrs. Lengyel and her son are supported by her husband, who sends them $25 a week. She has never been in the United States. Other than her husband, she has no near relatives in this country and besides her parents her only near relative abroad is a sister living in Italy.

The beneficiary was refused an immigrant visa by the United States Consulate at Naples, Italy, in April 1955 because she had been a prositute from 1947 to 1949. It is alleged that she has never been arrested for prostitution.

Stephen Paul Lengyel, Jr., a native citizen of the United States, was born on November 25, 1929, at South Norwalk, Conn. He resides at 11 Auburn Street, South Norwalk, Conn., and is employed in that city as a polisher in an optical company at $1.20 an hour. His only assets consist of clothing and personal effects valued at $500. He attended public school through grade 10. Mr. Lengyel served in the United States Navy from 1950 to 1954, when he was honorably discharged. He first met the beneficiary in July 1952.

Stephen Paul Lengyel, Jr., is the person primarily interested in the bill.

DEPARTMENT OF STATE,
Washington, November 14, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of July 23, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Mercedes Dori Lengyel, beneficiary of H. R. 7376, 84th Congress, 1st session.

A report recently eceived by the Department from the American Consulate General at Naples, Italy, states that Mrs. Lengyel was refused a visa at that office on April 22, 1955, under section 212 (a) (12) of the Immigration and Nationality Act. Since the information

contained in the report is of a very delicate nature, it is not believed that the committee would desire it in a written form. However, I shall be pleased to make the contents of the Department's report available to your committee in executive session at such time as you desire.

It should be noted that H. R. 7376, 84th Congress, 1st session, does not afford relief for Mrs. Lengyel under section 212 (a) (12) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Mrs. Lengyel's case, other than the information cited above,which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Gertrude Leonard Maillaro—H. R. 7413, by Mr. Sieminski

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7413) for the relief of Gertrude Leonard Maillaro, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Newark, N. J. office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are prostitutes or who have engaged in prostitution, and would authorize the alien's admission for permanent residence if she is otherwise admissible under that act. The bill provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the act.

As it is indicated that the beneficiary has been convicted of prostitution, she would also be inadmissible to the United States under that provision of section 212 (a) (9) of the Immigration and Nationality Act, which relates to aliens who have been convicted of a crime involving moral turpitude. The committee may therefore wish to amend the bill so as to include this additional element.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GERTRUDE LEONARD MAILLARO, BENEFICIARY OF H. R. 7413

Information concerning this case was obtained from the beneficiary's husband, Joseph Frank Maillaro.

The beneficiary, whose maiden name was Gertrude Leonard, was born on May 26, 1930, at Conorbrook, Newfoundland, Canada. She married Joseph Frank Maillaro in Montreal, Canada, on October 11, 1954. The beneficiary has one child, Gerome Leonard, who was born on March 30, 1950, in Montreal, Canada. The beneficiary attended school in her native country for 7 years and is a skilled dressmaker. She resides in Montreal, Canada, where she is employed in a hosiery factory at a salary of $25 weekly.

The beneficiary was refused an immigrant visa at the American consulate in Montreal, Canada, on the ground that she had been convicted of prostitution.

The beneficiary's husband, Joseph Frank Maillaro, was born in Jersey City, N. J., on November 8, 1915, and is a citizen of the United States. Mr. Maillaro presently resides at Lyndhurst, N. J. He has been employed since 1941 as a clerk at the American Can Co. in Brooklyn, N. Y. His salary is $75 a week. He has cash savings in the amount of $2,000 and owns a 1954 Pontiac automobile. Mr. Maillaro states that it is his intention to adopt his wife's child if she is admitted to the United States to reside.

The committee may wish to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary.

DEPARTMENT OF STATE,
Washington, April 5, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 13, 1956, requesting a report of the facts in the case of Gertrude Leonard Maillaro, the beneficiary of H. R. 7413, introduced by Mr. Sieminski on July 14, 1955.

The Department's files contain a report dated March 4, 1955, from the Consulate General at Montreal, Canada, indicating that Mrs. Maillaro has been found ineligible to receive a visa under section 212 (a) (12) of the Immigration and Nationality Act for the reason that she was convicted in the Municipal Court of Montreal for "vagrancy." The report states that she had previously been arrested on three occasions for the same offense and was given suspended sentences. Although Mrs. Maillaro denied being a prostitute, she admitted that in the last conviction there was some mention of prostitution. The consul concluded that there was reason to consider Mrs. Maillaro to come within the provision of section 212 (a) (12) of the act. There are enclosed copies of translations of court records.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

IN THE MUNICIPAL COURT OF THE CITY OF MONTREAL

Denunciation by Richard Pominville, constable, of said city of Montreal, received under oath before me, judge of said city, this 18th day of December 1953, in said city, who declares that he has reason to suspect and believe, and that he does in fact suspect and believe, based on information received, that Gertrude Leonard of said city, on the 9th day of December 1953, in said city, has illegally wandered at night, between 10 and 11 p. m., on Stanley Street, in front of No. 1224, and was unable to satisfactorily account for her presence there when requested to do so by a constable, this in contravention of the bylaw of the city of Montreal to this effect. The denunciator therefore requests that the said accused be made to answer said denunciation and be ultimately treated according to the law, and he has signed.

(Signed) R. POMINVILLE.

Taken and sworn to before, at the place and on the date above mentioned.

(Signed) DAMASE COTE,
Judge of the Municipal Court of the City of Montreal.

Shizuko Otsuta Lawrence—H. R. 8033, by Mr. Henderson

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 27, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8033) for the relief of Shizuko Otsuta Lawrence, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cincinnati, Ohio, office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission to the United States aliens who are prostitutes or who have engaged in prostitution, and would authorize the alien's admission for permanent residence, if she is otherwise admissible under that act. It further provides that this waiver shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SHIZUKO OTSUTA LAWRENCE, BENEFICIARY OF H. R. 8033

Information concerning this case has been obtained from the beneficiary's husband, Sgt. Carlos B. Lawrence, and from Mr. and Mrs. Pearley Lawrence, the parents of Sergeant Lawrence.

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The beneficiary, Shizuko Otsuta Lawrence, a native and citizen of Japan, was born on June 11, 1931. On August 20, 1953, at Tokyo, Japan, she married Sgt. Carlos B. Lawrence, a United States citizen. Their daughter, age 2, and twin sons, age 6 months, were born in Japan and are citizens of the United States.

Mrs. Lawrence resides with her husband and their children at 1616 Momote Village, Tokyo, Japan. She is not employed and is dependent upon her husband for support. Information concerning her education and her family background is not available.

According to Sergeant Lawrence, the beneficiary was refused a visa by the United States consul at Tokyo, Japan, in 1955, apparently on the ground that she had been a prostitute. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Sgt. Carlos B. Lawrence was born on July 31, 1921, at Sharon, Ohio. Since September 1950 he has been serving in the United States Army and is presently stationed in Japan. He had previously served in the United States Army from July 28, 1942, to October 31, 1945, and was wounded in action in Europe. Sergeant Lawrence receives pay and allowances amounting to $356 a month. He has no other income or assets. His parents reside in Caldwell, Ohio.

DEPARTMENT OF STATE,
Washington, January 20, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 12, 1956, requesting a report of the facts in the case of Shizuko O. Lawrence, the beneficiary of H. R. 8033, which was introduced by Mr. Henderson on January 3, 1956.

The information contained in the Department's file indicates that Mrs. Lawrence is the wife of Sfc. Carlos B. Lawrence, RA35411735, T. T. R. G., 8010th Army Unit, APO 503, San Francisco, Calif., and that she was found by the Embassy at Tokyo, Japan, to be ineligible to receive a visa under section 212 (a) (12) of the Immigration and Nationality Act as a person who had engaged in prostitution. There is no indication of any adverse record on this ground subsequent to 1950. It is understood that Mr. and Mrs. Lawrence were married in August 1953 and that they have three children.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 25, 1956.

Hon. FRANCIS E. WALTER,
Chairman Immigration and Naturalization Subcommittee,
Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I wish to thank you for your letter of May 7 in which you informed me that H. R. 8033, my bill on behalf of Shizuko Otsuta Lawrence, had been docketed for consideration by the subcommittee.

Shizuko Lawrence is the wife of Sergeant First Class Carlos B. Lawrence, RA 35411734, of Caldwell, Ohio, who has been stationed in Japan for the past several years. It is my understanding that the marriage occurred on August 20, 1953, in accordance with applicable Army regulations, and that full permission from the military authorities had been granted prior to the ceremony. It was not until after an application for a visa had been filed that it was learned that sufficient doubt existed concerning Mrs. Lawrence's alleged previous activities to bar the issuance of the visa. The disapproval by the Department of State occurred in 1953, although a prior approval had been secured from the Immigration and Naturalization Service on September 16, 1953 (visa petition No. VP 17–3271).

Since that time, Sergeant Lawrence has obtained a series of extensions of his tour of duty in Japan so that he might not be separated from his wife and family. The Army has been fully sympathetic in this situation and has actively assisted Sergeant Lawrence in his efforts to resolve his difficulties. On two occasions during the past year, I have requested that the tour of duty be extended until I could investigate the matter. On the last such occasion my request was granted by Gen. L. L. Lemnitzer, commander in chief of our Far East Command, in order to allow for the consideration of private legislation on behalf of Mrs. Lawrence. In this regard, a final tour of duty in Japan for Sergeant Lawrence was extended until November 1, 1956.

I believe that the information contained in a memorandum prepared by Maj. William F. Redmon, JAGC, the legal assistance officer at Camp Tokyo (APO 613), will be of interest to the subcommittee. This memorandum was sent to the Visa Section, United States Consulate, Tokyo, Japan, and reads as follows:

"At the request of Sgt. Carlos B. Lawrence, this section has caused an exhaustive search to be made of the records on file in the Ikebukuro Police Station relative to the arrest on 29 August 1949 of Mrs. Lawrence, nee Kazuko Otsuko, for violation of the Prostitutes Control Law. Information on file in the Toshima Ward Office is to the effect that Mrs. Lawrence was living in Ikebukuro on the date given above, and that at the request of a friend of hers she dated a United States soldier on 27 August 1949. The soldier, however, did not pay Mrs. Lawrence to go with him. Some time after this date, a friend of hers who had asked her to go with the soldier gave her ¥600. This matter was reported to the Japanese police because the soldier contracted a venereal disease and gave Mrs. Lawrence as his contact. Examination, however, revealed that Mrs. Lawrence was not infected. At the time of this incident, Mrs. Lawrence was employed as a wait-

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ress in a beer hall in Ikebukuro and was not known as a prostitute. The procurator suspended the indictment and did not prosecute inasmuch as he did not find that there had been any violation of the control law. With respect to a further incident in December of 1952 involving Mrs. Lawrence, there is no record to be found in the Japanese offices.

"The matter of Sergeant Lawrence taking his wife to the States with their small child has been discussed with him quite frequently. The Sergeant appears to be very devoted and desires to have his wife accompany him. He states that he will not abandon her or permit her to become a public charge. It is believed that he is sincere. His military record shows him to apparently be a man of integrity inasmuch as no disciplinary action has ever been taken against him.

"Accordingly, it is recommended that you again give consideration to the request on the part of Sergeant Lawrence for the issuance of a visa for his wife. It is believed that a favorable disposition on your part will not violate the spirit of Public Law 414 and will be of immense benefit to Sergeant and Mrs. Lawrence and their child."

At my request, the State Department restudied its decision in this matter and I was informed in a letter dated June 17, 1955 that—

"Both the Embassy in Tokyo and the Department are fully aware of the aspects of the case which arise by virtue of the fact that the applicant is now married to an American citizen. All possible avenues have been explored, but we have not found that the law permits any choice in the matter, and there appears to be no way in the absence of remedial legislation to arrange for her to join her husband in the United States."

After giving this matter considerable study, I introduced H. R. 8033. I am in full accord with the purposes of the present law and I believe that in this situation the inflexibility lies with those administering it rather than in the law itself.

I wish to submit for your consideration copies of statements attesting the character and integrity of both Sergeant Lawrence and his wife. These statements are enclosed. A photograph of the Lawrence family is also enclosed.

I know of no derogatory information which would lead to a conclusion that Mrs. Lawrence would be undesirable as a resident of the United States. It is, therefore, my earnest hope that your subcommittee will consider H. R. 8033 within the very near future. Since it now appears that it is possible for this family to remain together only through congressional action, I respectfully urge that the legislation be considered favorably.

Your cooperation and many past courtesies are sincerely appreciated.

Yours very truly,

JOHN E. HENDERSON.

Frieda M. Mongold—H. R. 8072, by Mr. Rees of Kansas

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington D. C., May 11, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8072) for the relief of Frieda M. Mongold, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Denver, Colo., office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are prostitutes or who have engaged in prostitution, and would authorize the alien's admission for permanent residence, if she is otherwise admissible under that act. The bill further provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the date of enactment of the Bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FRIEDA M. MONGOLD, BENEFICIARY OF H. R. 8072

Information concerning this case was obtained from Thurlow E. Mongold, the beneficiary's husband.

Frieda M. Mongold, nee Griemsmann, was born on June 11, 1932, at Bremen, Germany. She married Thurlow E. Mongold, a United States citizen, on October 30, 1954, in Bremerhaven, Germany. Their sons, Donald and Thurlow, were born May 18, 1954, and June 9, 1955, respectively, in Bremerhaven, Germany. Mrs. Mongold and her two children live with her sister in Germany. They are dependent upon the husband and father for their support.

The beneficiary has never been in the United States and has no relatives in this country other than her husband. Her parents and four brothers and sisters live in Germany. She attended school for 8 years in Germany. She has worked as a waitress, but is unemployed at the present time.

The alien's application for an immigrant visa was denied at the American Consulate General, Hamburg, Germany, on July 6, 1955. She was informed that her application had been denied because she was a member of a class of aliens ineligible to receive visas under section 212 (a) (12) of the Immigration and Nationality Act. The beneficiary, although not previously married, cohabited with a man in Germany for 2 or 3 months in 1950 or 1951, and gave birth to an illegitimate child. She was arrested at Frankfurt or Bremerhaven, Germany, about 1951, and was sentenced to 30 or 60 days in jail for nonsupport of the child, whose custody she then had to relinquish. The baby is now in an orphanage in Germany. The committee may

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desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

The beneficiary's husband was inducted into the United States Army in February 1952, and served in Germany from January 1953 to January 1955. He now holds the rank of Specialist Third Class and is stationed at Fort Carson, Colo. His income is approximately $240 a month. His total assets are valued at $1,000.

DEPARTMENT OF STATE,
Washington, January 25, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 23, 1956, requesting a report of the facts in the case of Frieda M. Mongold, the beneficiary of H. R. 8072, which was introduced by Mr. Rees on January 3, 1956. Mrs. Mongold is the wife of Mr. Thurlow E. Mongold, an American citizen residing at Fort Carson, Colo.

The files of the Department contain a report dated September 29, 1955, from the consul general at Hamburg, Germany, indicating that Mrs. Mongold was found to be ineligible to receive a visa under section 212 (a) (12) of the Immigration and Nationality Act by reason of information received in a record of the court of Dorum, Germany, in which it was stated in translation as follows:

"* * * When these means of support were discontinued in October 1952, the defendant (Mrs. Frieda Martha Mongold, nee Griemsmann) supported herself and her child by prostitution in Bremerhaven."

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mrs. Hildegard Martin—H. R. 8564, by Mr. Barrett

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 13, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8423) for the relief of Mrs. Hildegard Martin, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of those files.

The bill would waive the provisions of section 212 (a) (9) of the Immigration and Nationality Act which exclude from admission into the United States aliens who admit, or who have been convicted of, committing crimes involving moral turpitude and would grant the alien permanent residence if she is found to be otherwise admissible. The bill further provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice have knowledge prior to the enactment of this Act.

You will note that the letter addressed to you by the Department of State on April 29, 1954, indicates the beneficiary may also be excludable by reason of section 212 (a) (12) of the Immigration and Nationality Act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. HILDEGARD MARTIN, BENEFICIARY OF H. R. 8423

Information regarding the beneficiary was obtained from her husband, Albert Stewart Martin.

Hildegard Elli Martin, a German subject, was born on January 19, 1920, in Teltow, East Berlin, Germany. She received the equivalent of a high-school education. She served in the Germany Army as a telephone operator and secretary for 2 years. She is now residing in Williamsville, Erdig, Germany, and has never been in the United States. The beneficiary was previously married and her first husband died in Germany in 1942. There was one child born of this marriage. She has another child about 8 years old, fathered by a Russian Army officer. Her third child, who is about 5 or 6 years old, was born of her relationship with an American soldier. She was not married to the fathers of her second and third child.

Mrs. Martin married her present husband on April 11, 1953, in Berlin, Germany. A child was born to them on January 9, 1954, in Berlin. This child is residing with her, while her other three children are living with relatives. She is now employed as a domestic by an American Army officer.

A petition for issuance of an immigration visa in her behalf was granted by this Service on August 5, 1953. She has been denied an immigration visa by an American consul and her husband believes this denial was based on the fact that she had been arrested for stealing five packs of cigarettes. If she is permitted to come to the United States, it is her intention to bring her oldest and youngest child to this country. The other two children will remain in Germany. Her parents, 2 or 3 sisters, and 1 brother all reside in Germany. She has two more brothers who were captured by the Russians and were taken to Russia, whose present whereabouts are unknown.

Albert Stewart Martin was born in Camden, N. J., on January 27, 1928. He is a United States citizen. He is now employed by ITE Circuit Breaker Co. and earns about $5,000 annually. He served in the United States Army from December 14, 1950, until his honorable discharge on December 8, 1952.

DEPARTMENT OF STATE,
WASHINGTON, *April 29, 1954.*

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of March 23, 1954, and its enclosures, wherein you request a report of the facts in the case of Mrs. Hildegard Martin, beneficiary of H. R. 8423, 83d Congress, 2d session.

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The Department has on file a communication from the American consular office concerned which reports that Mrs. Hildegard Elli Bernsdorf, nee Dalibor, who is believed to be identifiable with Mrs. Martin, was convicted on July 12, 1947, by a court at Teltow in the Soviet Zone of Germany for petty theft, and sentenced to pay a fine of 100 reichsmark or to serve 10 days in jail. It is further reported that in October 1945, December 1945, January 1950, June 1950, and July 1950, she was apprehened by the American Military Police and the German authorities for prostitution and venereal disease check.

The crime of theft has been held to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, which renders ineligible to receive visas and excludable from the United States aliens who have been convicted of or admit having committed a crime involving moral turpitude. Furthermore, the record in the case of Mrs. Martin indicates that she is also excludable by reason of section 212 (a) (12) of the aforementioned act, which prohibits the issuance of immigrant visas to aliens who have engaged in prostitution. As a consequence, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of an immigrant visa to her.

At this time the Department has no knowledge of any factor in Mrs. Martin's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Martin from receiving a visa.

Sincerely yours,

For the Acting Secretary of State:

EDWARD S. MANEY,
Director, Visa Office.

Mrs. Patricia M. Emerson—H. R. 8768, by Mr. James.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 28, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8768) for the relief of Mrs. Patricia M. Emerson, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act, which excludes from admission into the United States, aliens who are prostitutes or who have engaged in prostitution, and would authorize the alien's admission for permanent residence, if she is otherwise admissible under that act.

The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. PATRICIA M. EMERSON, BENEFICIARY OF H. R. 8768

Information concerning this case was obtained from Clarence Samuel Emerson, the beneficiary's husband.

Patricia Mae Emerson, nee Gambling, also known as Lankrer, a native and citizen of Australia, was born on September 22, 1924, in Adelaide. She was previously married on November 17, 1947, in Sidney, Australia, to Karl Heinz Lankrer, a German national. This marriage terminated in divorce on July 10, 1953, in Berlin. Their two sons, Michael and Hans Peter, and daughter, Jeannette, are residing in Berlin, in the custody of the father. The beneficiary married Clarence Samuel Emerson in Berlin, on February 10, 1954. Their son, Lennard, was born on May 22, 1953, in Berlin. Mrs. Emerson and her son reside at 4 Fiditchen, S. W. 29, Berlin. She completed high school in Australia and has worked as a domestic, but is presently unemployed. She and her son are supported by her husband who sends her funds regularly. She has never been in the United States. Her parents reside in Australia.

The beneficiary was refused an immigrant visa by the American consul at Berlin, Germany, because of several arrests by the military authorities for prostitution in that city. It is alleged that she was released after each arrest without serving any sentence.

Clarence Samuel Emerson, a native and citizen of the United States, was born on September 5, 1925, at Claymont, Del. He completed the seventh grade in elementary school. Mr. Emerson was previously married to Lois Ann Miller, a native and citizen of the United States. However, this marriage was terminated by divorce on May 9, 1950. His former wife was granted legal custody of their son, Wayne Allen, who was born on February 25, 1945, at Chester, Pa. She has since remarried and resides with her son in Pennsylvania.

From October 1942 to November 1945, Mr. Emerson served in the United States Navy attaining the rating of seaman first class. He received an honorable discharge. In April of 1947, he enlisted in the United States Army and is a radio operator and mechanic with the rank of specialist third class, receiving an annual salary of approximately $2,700. He has no assets. He is assigned to the 1st Engineer Task Force, Fort Belvoir, Va. His parents, Mr. and Mrs. Clarence S. Emerson, reside at 124 Harvey Avenue, Linwood, Pa.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to furnish additional information concerning the beneficiary.

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DEPARTMENT OF STATE,
Washington, April 12, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 13, 1956, requesting a report of the facts in the case of Mrs. Patricia M. Emerson, the beneficiary of H. R. 8768, which was introduced by Mr. James on January 24, 1956.

The files of the Department contain a report dated July 19, 1954, from the American consulate at Berlin, Germany, indicating that Mrs. Emerson has been found ineligible to receive a visa under section 212 (a) (12) of the Immigration and Nationality Act for the reason that she has engaged in prostitution.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Mrs. Pierrette Marie-Rose Valery Chiarelli—H. R. 9022, by Mr. Davidson

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 17, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9022) for the relief of Mrs. Pierrette Marie-Rose Valery Chiarelli, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted, or admit the commission, of a crime involving moral turpitude and aliens who have engaged in, or who have derived benefits from, prostitution or other immoral activities, and would authorize the alien's admission for permanent residence if she is otherwise admissible under that act. The bill would further provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. PIERRETTE MARIE-ROSE VALERY CHIARELLI, BENEFICIARY OF H. R. 9022

Information concerning the case was obtained from Mr. Lucien M. Chiarelli, husband of the beneficiary.

Mrs. Pierrette Marie-Rose Valery Chiarelli, formerly Pierrette Marie-Rose Roux, nee Valery, a citizen of France, was born September 7, 1919, at Marseille, France. She is presently residing there with her parents who are French citizens. She is being supported by her husband who is the sponsor of the private bill. Her own assets are valued at about $6,000.

Mr. and Mrs. Chiarelli were married on April 24, 1950, in Miami, Fla. The beneficiary was previously married to one Robert Roux and was divorced from him in Miami, Fla. in March 1950. She has one child, Monique, who was born out of wedlock in France on July 10, 1941. The beneficiary was never married to the child's father, who is alleged to have been killed during World War II. The child was registered by Mr. Chiarelli in his name in Paris, France, in 1953. The child is now residing in France with Mr. Chiarelli's sister.

The beneficiary first entered the United States on September 8, 1946, as an immigrant for permanent residence. She has made several trips in and out of the United States, and last departed in October 1952 without obtaining a reentry permit. She was refused a visa at the American consulate in Marseille, France, because of a conviction of solicitation for which she was sentenced to imprisonment for 8 days and fined 1,200 francs. Mr. Chiarelli stated that the beneficiary received an amnesty in 1951 or 1952, and that she has no other criminal record.

Mr. Chiarelli was born on June 5, 1910, in Bone, Algeria, and was naturalized as a citizen of the United States on June 8, 1943, while serving abroad with the United States Armed Forces. He has been a resident of the United States since 1938. He is a cook by occupation but is unemployed at the present time. He claims to have savings of $15,000 in cash in a safety deposit box at the Central Savings Bank in New York City.

DEPARTMENT OF STATE,
Washington, April 4, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 13, 1956, requesting a report of the facts in the case of Mrs. Pierrette Marie-Rose Valery Chiarelli, the beneficiary of H. R. 9022, introduced by Mr. Davidson on February 1, 1956.

The Department's files contain a report dated April 22, 1955, from the consulate at Marseille, France, indicating that Mrs. Chiarelli has been found ineligible to receive a visa under section 212 (a) (12) of the Immigration and Nationality Act for the reason that she was convicted on April 7, 1949, in the Correctional Court of the Department of Seine in Paris for soliciting and was sentenced to imprison-

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ment for 8 days and to a fine of 1,200 francs plus expenses. A copy of a translation of the court record is enclosed in duplicate.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

REPUBLIC OF FRANCE

The Correctional Court of the Department of Seine, 12th Chamber, has rendered the following judgment: Hearing of April 7, 1949. For the Prosecuting Attorney against Valery Pierrette, residing at Paris, St. Boulanger, 80. Accused of soliciting.

The court sentences the above-named person to 8 days' imprisonment and a fine of 1,200 francs and jointly to the liquidation of expenses of 3,363 francs, including the cost of the registration, of the notification and of the copy of the present judgment together with the post fees and the amount of additional expenses not included in the judgment and amounting to — francs. The physical constraint is fixed at the minimum.

True copy delivered by me the undersigned, clerk of the court, neither opposition nor appeal existing against such judgment.

The clerk:

(Signed) Illegible.

True copy.

Very important notice

In all correspondence, or remittance of funds, do not omit to recall the number of the file as below:

Fiscal Year 1949, No. 129044

Physical constraint may be exercised for collecting fines, restitutions, civil damages, and proceeding expenses, 5 days after the order served upon the condemned by request of the Fines Collector.

(Laws of July 22, 1867, December 19, 1871, December 30, 1928, and May 24, 1946.)

Detail:	
Fine	1. 200
Expenses of reparations, restitutions and civil damages to various persons.	
Other elements of conviction	3. 363
Total	4. 563
Expenses of prosecution	
Grand total	
Installments already paid	
Reserve	
Expenses of present order	137
Total to be paid	4. 700

Mrs. Madeleine (Alessandri) Burns—H. R. 9155, by Mr. Jackson

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 8, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9155) for the relief of Mrs. Madeleine (Alessandri) Burns, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude and aliens who have engaged in prostitution, and would authorize the alien's admission for permanent residence, if she is otherwise admissible under that act. The bill would further provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. MADELEINE (ALESSANDRI) BURNS, BENEFICIARY OF H. R. 9155

Information concerning this case was obtained from Mr. Robert Victor Burns, Sr., the beneficiary's father-in-law.

Mrs. Madeleine Burns, nee Alessandri, a native and citizen of Luxembourg, was born on March 15, 1935. She has never been in the United States. She was married to Robert Victor Burns, Jr., a United States citizen, in Luxembourg on July 28, 1955. They have two children, Pierre and Patrick Michael, who were born there on July 21 1954, and January 19, 1956, respectively. The family lives at 47 Rue Due Verger in Luxembourg. Mrs. Burns is a housewife and is dependent for support upon her husband, an airman first class in the United States Air Force, whose pay is $300 monthly. Their assets consist of $1,000 in savings and an automobile valued at $1,500. The beneficiary's father lives in Luxembourg, and her mother is a lawful permanent resident of the United States. Their citizenship status is unknown.

Robert Victor Burns, Sr., is a United States citizen who has twice been married. His first marriage was terminated by divorce in March 1952. Two children were born of that marriage; Robert Victor Burns, Jr., the beneficiary's husband, and Richard Leo Burns. Both were born in Los Angeles, Calif., on January 9, 1934, and May 19, 1939, respectively. The latter, to whom Mr. Burns contributes $150 monthly for support, lives in Nevada with his mother. Mr. Burns, Sr., married May Carrer in Los Angeles, Calif., on July 29, 1953. No children have been born of that marriage. They live at

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1452 South Beverly Drive in Los Angeles, Calif. Mr. Burns is president of the K & S Manufacturing Co. and business manager for the Prototype Engineering Corp., both of which are in Inglewood, Calif. His total yearly income is $21,000. He owns assets valued at $39,000, which consists of savings, business investments, and automobile, and household furnishings. His wife and son are his only dependents.

Mr. Burns, Sr., has testified that the beneficiary was arrested in Luxembourg in 1952 on a prostitution charge. As a result, she was placed in a correction home for a period of 1 year, and was released upon reaching the age of 18.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 9, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I have your letter of recent date, together with a report covering the case of Mrs. Madeleine A. Burns, whose file number is VO 150. I was very much interested in the report, and I would appreciate it very much if the case could be docketed for consideration by the appropriate subcommittee, the contents of the report notwithstanding. It will be noted that the offenses committed by Mrs. Burns were done when she was a mere child, and I am informed that only under the most serious economic stress where they committed at all. In the interim, the girl has become the wife of an American serviceman and to this union two children have been born. It is noted in the report that the Department has no information of a derogatory nature covering the period between the marriage and the present time. Young Burns comes from a good family, and a tragic situation would develop if his wife and the two children were not permitted to enter the United States at such time as his service in Europe is terminated. I feel personally confident that Mrs. Burns will prove to be a good wife and mother.

Thank you very much for your kindness in communicating with me, and with all best wishes, I am,

Respectfully yours,

DONALD L. JACKSON, M. C.

Mrs. Pauline Zweimueller Barkovich—H. R. 9472, by Mr. Zablocki

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9472) for the relief of Mrs. Pauline Zweimueller Barkovich, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Milwaukee, Wis., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of or admit having committed a crime involving moral turpitude; also aliens who are prostitutes or who have engaged in prostitution or who have been connected with the business of prostitution, and would permit the beneficiary to enter the United States for permanent residence if she is found to be otherwise admissible. The bill also provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. PAULINE ZWEIMUELLER BARKOVICH, BENEFICIARY OF H. R. 9472

Information concerning this case was obtained from Mr. John Michael Barkovich, the beneficiary's husband.

The beneficiary, Mrs. Pauline Zweimueller Barkovich, a native and citizen of Austria, was born on June 23, 1932. She married Mr. Barkovich, a United States citizen, in Austria on September 27, 1955. Their two United States-citizen children reside with them at Rue Faubourg St. Jacques, Chinon, France.

The beneficiary is not employed outside the home. She completed high school in Austria. She has no assets and is dependent on her husband for support. Her parents reside in Austria.

The beneficiary has never been in the United States. According to her husband, she was convicted for prostitution in Linz, Austria, in 1949 and sentenced to 3 weeks' confinement. She has never applied to an American consul for a visa; however, she has discussed her case with the American consul at Salzburg, Austria. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to furnish information concerning the beneficiary's conviction.

John Barkovich's first marriage was terminated by divorce on December 13, 1950. He has served in the United States Army since October 15, 1950. He is a welder with the 543d Engineer Pipeline Company, APO 256, New York, N. Y., and earns $442 a month.

Mr. Zablocki submitted the following court record of this case:

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WASHINGTON, D. C.

[Translation (German)]

Director of Federal Police, Salzburg.
No. III–L 5539/55.

SALZBURG, *November 3, 1955.*

CERTIFICATE OF CONDUCT

Mrs. Pauline Barkovich, maiden name Zweimüller, born on June 26, 1932, at Haag, District Hausruck, a citizen of Austria, is hereby officially certified, for the purpose of submission to the authorities,

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that she has been registered with this police office as residing at this place since February 25, 1954, and that the following sentences or court decisions concerning her are entered in the police records of this office as well as at the Federal Office of Criminal Records in Vienna:

(1) District Court at Linz, February 10, 1948, No. 11 U. 295/47, sentenced under Section 461/183, Penal Code, to 5 days in custody; sentence annulled as per Section 2, Amnesty Act of 1950 (Item 129.766/48).

(2) District Court at Wels, December 6, 1951, No. U 1593/51, sentenced under Section 1, Vagrancy Act, to 14 days in strict custody (Item 5000/52).

(3) District Court at Linz, January 14, 1952, No. 6 U 34/52, sentenced as per Section 5, Vagrancy Act, to 1 month in strict custody plus reformatory; released from reformatory on parole for 2 years (Item 23.750/52); release from reformatory on parole (see Item 23.750/52), revoked by the District Court at Linz on November 10, 1952 (Item 30.239/53); released from reformatory (see Items 23.750/52 and 30.239/53) on January 15, 1954, until November 23, 1955 (i. e., for the remaining 1 year 10 months and 8 days), Penal Institution at Lankowitz, January 15, 1954 (Item 12.707/54);

(4) County Court at Wels, July 7, 1952, No. 11 Vr.592/52, sentenced as per Sections 209, 279, 461/183 Penal Code (defamation, unlawful assembly, and embezzlement), to 6 months of strict confinement in penitentiary (Item 85.206/52).

Excepting the above-mentioned sentences with data of the court decisions, no adverse information concerning the aforenamed person is on record.

The present certificate of good conduct does not express an official opinion on the political reputation of the bearer.

[Seal] Republic of Austria, Director of Federal Police, Salzburg.

By order:

(Signature illegible.)

Translated by George Starosolsky, March 9, 1956.

Mrs. Theresa K. Maschl Wellersdick—H. R. 9941, by Mr. Patterson

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 15, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9941) for the relief of Mrs. Theresa K. Maschl Wellersdick, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are prostitutes or who have engaged in prostitution, and would authorize the alien's admission for permanent residence if she is other-

wise admissible under the provisions of that act. The bill further provides that this exemption shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. THERESA K. MASCHL WELLERSDICK, BENEFICIARY OF H. R. 9941

Information concerning this case was obtained from the beneficiary's husband, Donald Wellersdick.

The beneficiary, whose maiden name was Theresa Kramer, was born on October 12, 1928, in Essen, Germany. Her mother lives in Austria. Her father is deceased. The beneficiary was employed as a maid by the United States Army from 1952 to February 1956.

The beneficiary has been married on two occasions. Her first marriage was in 1945 to Karl Maschl, a citizen of Austria. This marriage was terminated by divorce in 1947. Two children, Waltraud and Karl, were born of this marriage. The beneficiary has one other child, Donald, who was born in Austria in 1950. The beneficiary's next marriage was to Donald Wellersdick, a United States citizen, in Stuttgart, Germany, on July 15, 1955. The beneficiary resides in Stuttgart, Germany, with her children, Karl and Donald. Her other child, Waltraud, resides in Austria.

The beneficiary has never been in the United States. She applied for an immigrant visa at the American Consulate in Munich, Germany in 1955. She was refused such visa on the ground that she had been a prostitute.

The beneficiary's husband, Donald Wellersdick, was born on February 8, 1929, in Torrington, Conn. He enlisted in the United States Army on May 20, 1948, and served in Austria and Germany, where he met the beneficiary in October 1949. He is presently a sergeant and stationed at Fort Dix, N. J. Sergeant Wellersdick states that he is the father of the beneficiary's child, Donald, and that he intends to bring her children to the United States and adopt them. Sergeant Wellersdick's salary is $120 per month. He also receives a monthly allowance of $137, which is sent to his wife for the support of herself and children.

The committee may wish to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary.

The committee is referred to the Office, Chief of Legislative Liaison, Department of the Army, for information concerning the beneficiary.

DEPARTMENT OF STATE,
Washington, April 13, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 20, 1956, requesting a report of the facts in the case of Mrs. Theresa K. Maschl Wellersdick, the beneficiary of H. R. 9941 which was introduced by Mr. Patterson on March 13, 1956.

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The Department's files contain a report dated January 27, 1956, from the consul general at Munich, Germany, indicating that Mrs. Wellersdick was refused a visa on December 13, 1955, under section 212 (a) (12) of the Immigration and Nationality Act for the reason that she acknowledged and signed a sworn statement in connection with her visa application that she had been a prostitute for 6 months in Vienna.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Pierina Lucia Baglioni Baptist—H. R. 10408, by Mr. Simpson of Illinois

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 22, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 10408) for the relief of Pierina Luicia Baglioni Baptist, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act, which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who have admitted such a crime, or aliens who admit committing acts which constitute the essential elements of such a crime, as well as aliens who are prostitutes or who have engaged in prostitution, and would authorize the beneficiary's admission for permanent residence, if she is otherwise admissible under that act.

The bill limits the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PIERINA LUICIA BAGLIONI BAPTIST, BENEFICIARY OF H. R. 10408

Information concerning the case was obtained from Mr. Frank Robertson Baptist, the beneficiary's husband.

The beneficiary, who was born on May 30, 1920, is a native and citizen of Italy. Her parents are deceased. She and Mr. Baptist were married on November 2, 1952, in Leghorn, Italy. This is the only marriage for each and they have no children. The beneficiary resides in Leghorn, Italy, and is not employed. She receives an allotment of $157 per month from her husband. She had previously been

employed as a domestic. The beneficiary has never been in the United States.

The beneficiary was arrested and convicted on four occasions for violation of residence laws in Leghorn, Italy, during the period from June 1948 to October 1950. The sentences she received ranged from 30 to 105 days in confinement.

Mr. Baptist was born in Wichita, Kans., on May 29, 1916. He has been serving in the United States Navy since April 9, 1940. He is presently stationed at Shore Patrol Headquarters, Norfolk, Va., and holds the rank of chief petty officer.

DEPARTMENT OF STATE,
Washington, May 9, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of April 11, 1956, requesting a report of the facts in the case of Pierina Luicia Baglioni Baptist, the beneficiary of H. R. 10408 which was introduced by Mr. Simpson on April 10, 1956.

The records of the Department contain information received from the consul general at Genoa, Italy, indicating that Mrs. Baptist is considered to be ineligible to receive a visa under section 212 (a) (12) and possibly (9) of the Immigration and Nationality Act as a person who has engaged in prostitution. The report indicates that since her marriage to Mr. Baptist, Mrs. Baptist has had a good record and has not been involved with difficulties with the police authorities.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Atsuko Suzuki Dickson—H. R. 10868, by Mr. Roosevelt

DEPARTMENT OF STATE,
Washington, June 28, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of May 7, 1956, requesting a report of the facts in the case of Atsuko Suzuki Dickson, the beneficiary of H. R. 10868 which was introduced by Mr. Roosevelt on April 26, 1956.

The files of the Department contain a report dated June 18, 1956, from the Embassy at Tokyo, indicating that a visa was refused on January 28, 1955, to Atsuko Suzuki Dickson under section 212 (a) (12) of the Immigration and Nationality Act as a person who has engaged in prostitution. Copies of translations of court records relating to the case, which have been received from the Embassy, are enclosed in duplicate.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

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CERTIFICATE

No. 40

Name in full: Suzuki Atsuko.
Date of birth: March 26, 1931.
Sex: Female.
Nationality: Japanese.
Permanent address: 2 of No. 382, 9–chome, Omori, Ota-ku, Tokyo-to.
Present address: No. 172, Jyogawara, Akishimashi, Tokyo-to.

The outcome of our investigation on the above-named person revealed the following police record.

On February 27, 1952, the subject was arrested by the Yokosuka Police Station for violation of Yokosuka-shi Public Morals Ordinance (in Kanagawa Prefecture) and on March 12 the same year, was sentenced to the fine of ¥2,000 at the Yokosuka Summary Court.

Date: January 11, 1955.

(s) WATANABE Masaro,
Police Superintendent Chief, 3rd Public Safety Sec., 2nd Police Guard Bureau, Metropolitan Police Dept., Tokyo, Japan.

First protocol of statement

Domicile: c/o Seiichi Suzuki, 1 4-chome Shioiri-cho, Yokosuka Shi.
Name and occupation: Atsuko Suzuki, born on March 26, 1931, person without a regular occupation.

Concerning the case of suspected violation of the Yokosuka City prostitution regulation by the the above person, I, the undersigned, told her in advance at this procurators' office on February 29, 1952, that the suspect could refuse statement and examined her. The suspect stated voluntarily as follows:

1. "I have no previous conviction." Hereupon, I read to the suspect the criminal fact contained in the report sent by the judicial police officer and she stated as follows:

2. "The fact read to me just now is a little different. I left my house at about 5:30 p. m. that day, and it was after 6 o'clock that I came to Shiodome Station with an intention of prostitution, if possible.

"To that place, I was in company with a street girl named Aiko Fukuda, who lived in the same house. We had a swing for a while in the park and then came to Shidome Station. On the road under the girder bridge, we passed by a sailor who was walking down from the station. I thought he winked at me. Thinking he was seeking a girl, I stopped and kept my eye upon other persons. Then, turning back, he walked to us and addressed to me, asking where we were going. I answered we were returning home and asked where he was going. Then he said he was going to his 'wife's.'

"Talking with each other, the sailor and I walked arm in arm. When we came near the station, it seemed that he was going to enter the station. I thought that he did not intend to make merry with me. So I said goodby to him and parted from him, taking off my arm from his. Then, I was arrested by a policeman."

3. "It is true that I left my home with a mind to prostitute myself.

"Though the family name of Tomiko Suzuki, in whose house I live together, is the same as mine, she is an unrelated person. She lodges in the same house as I. About three prostitutes live there.

"I came to Yokosuka on the evening of the 26th this month from Yokohama to engage in prostitution, and on the following evening I walked out as stated above.

"I offer my sincere apology for the wrong I did.

"I knew that prostitution is unlawful, and walking about with the intention of prostitution is also wrong. My home is at 73 4-chome, Sueyoshi-cho, Yokohama."

[SEAL] Deponent: AFSUKO SUZUKI.

When the above was recorded and read to her, she admitted it to be correct and true and signed and sealed thereto.

[SEAL] TAKEJI NAKAJIMA,
Assistant Public Procurator, Prosecuting Official, Yokosuka Branch, Yokohama District Public Procurators' Office.

[Translation]

SUMMARY ORDER

Permanent domicile: No. 526 Henmi-cho, Yokosuka City.
Present address: No. 1, 4-chome, Shioiri-cho, Yokohama City.
Occupation: None.
Name: Atsuko Suzuki.
Age: 20 years.

In regard to the accusation brought against the above person of violation of the Yokosuka City municipal ordinance for maintaining public morality, this court hereby renders summary order.

Texts.—The above person (the accused) shall be fined ¥2,000. In the event payment of above fine is not made in full, the above person shall be detained for a term which shall be computed at a ratio of 100 yen per day.

Grounds.—About 6:10 p. m. on February 27, 1952, under the girder bridge at Hiodome Station of the Keihin Kyuko Dentetsu Line 2-chome, Shioiri-cho, Yokosuka City, the above person followed a United States sailor, whose name was unknown, for the purpose of inviting prostitution.

Penal provisions.—Article 4 of the Yokosuka City municipal bylaw for maintenance of public morality and article 18 of Criminal Code.

Dated: March 12, 1952.

YASUJI SOTOCHI,
Judge, Yokosuka Popular Court.

In case where there is no objection to this order on the part of the above person, she may apply for formal trial in writing within 14 days from the date of receipt of the notification of this order.

This is to certify that the above is a true copy.

Dated: May 10, 1955.

(s) HIDEO YOSHIHIDE,
Clerk of Yokosuka Procurator's Office.

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Mr. Roosevelt supplied the committee with the following additional information regarding this legislation:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 2, 1956.

Re H. R. 10868.

Hon. FRANCIS E. WALTER,
Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I am writing this letter to call to your attention the private bill I have introduced for the relief of Mrs. Leslie Dickson (Atsuko Suzuki Dickson). I feel that Staff Sergeant and Mrs. Dickson have been most unfairly treated and have been undergoing undue hardship as a result of the refusal on the part of the American consul in Tokyo to issue Mrs. Dickson a visa as the wife of an American citizen.

Sergeant Dickson applied for permission to marry to his commanding officer while stationed in Japan. He was interviewed along with his fiancee and was granted permission to marry, without restrictions. They were married in the American Embassy in Tokyo on July 16, 1954.

After adhering to all requirements and regulations and marrying this young woman, Sergeant Dickson was transferred to the United States, and application for a visa was submitted on behalf of his wife. Her visa was approved by the Immigration and Naturalization Service, Honolulu, and was forwarded to the American consul in Tokyo. The American consul in Tokyo denied her a visa on the grounds she was ineligible under section 212 (a) of the Immigration and Nationality Act.

The police records included in the report submitted by the Department of State show this young woman not to have "engaged" in prostitution, but in one single instance to have left her domicile with the "intention" of engaging in prostitution. On the basis of this admitted intention, she was fined ¥2,000, which I understand to be the equivalent of approximately $5 American.

On the basis of the refusal of her visa, it is my understanding that the Department of the Air Force has been paying her allotment funds in Japanese yen rather than in United States dollars. She simultaneously was refused the privilege of making her purchases at the Air Force base PX. These actions have in themselves worked a definite hardship financially on this young couple. Mrs. Dickson has been making every effort to save all that she can out of these funds with an eye to the future for herself and her husband. This means that she will eventually have to change the yen back into dollars, and will probably lose once again in the financial transactions.

I have made every effort to handle this case administratively through the Department of the Air Force, but I have met with complete defeat. Answers to my inquiries of that Department have been answered with such information as "unable to locate the files as they are still in transit," and in one instance my inquiry was answered on the basis of the "recollections of an officer who was stationed in Japan at the time" rather than on the basis of Sergeant Dickson's files.

At the present time Sergeant Dickson is stationed in the United States. As of August 18, 1956, he becomes eligible for worldwide reassignment. The future does, indeed, look black for this young couple.

In view of the foregoing information and the attached documentary evidence verifying these facts, I would be most grateful if your subcommittee would give every possible consideration to favorable action on H. R. 10868 prior to the adjournment of the 84th Congress.

Thank you for your courtesy.

Very sincerely yours,

JAMES ROOSEVELT.

HEADQUARTERS, TWENTIETH AIR FORCE

APO 239

DP/M-2.

SUBJECT: Permission to marry.

To: Staff Sergeant Leslie M. Dickson, Jr., AF 28231538, 98th A. & E. Maintenance Squadron, 98th Bombardment Wing, Medium, APO 328.

Pursuant to authority contained in Far East Air Forces Regulation 30-1, 31 July 1951, permission is granted to marry Miss Atsuko Suzuki, 172 Jogawara, Akishimashi, Kitatama-gun, Tokyo, Japan.

By order of the commander:

JOHN T. MCDANIEL,
Lt Col., USAF,
Asst. DCS/Personnel.

THE INSPECTOR GENERAL
OFFICE OF SPECIAL INVESTIGATIONS
HEADQUARTERS FAR EAST AIR FORCES
District Office No. 6
APO 925

7 August 1953.

CERTIFICATE

Records of the Office of Special Investigations, Headquarters, Far East Air Forces, APO 925; OSI District Office No. 6, APO 925; 4th Region CIC, APO 500; and the Central Files of the National Rural Police and the Tokyo Metropolitan Police Department have been checked concerning Suzuki Atsuko and contained no adverse information except as follows:

The records of the National Rural Police, Tokyo, Japan, reflect that subject was arrested on 27 February 1952 by the Yokosuka Police Station for violation against the law for maintaining public morality at Yokosuka. Subject [was] fined ¥2,000 at the Yokosuka Popular law-court on 12 March 1952, for the above offense.

This office has been advised by the National Rural Police, Tokyo-to that an investigation in the local area of resident of Suzuki Atsuko was completed on 6 August 1953. The results of this investigation

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reflects that subject has not been convicted of a felony, or other crime, or misdemeanor involving moral turpitude, practices, believes in, or advocates polygamy, is or has been a prostitute, procurer, or pimp.

LEO H. JOHNSON,
Lt. Colonel, USAF,
District Commander.

B/fr 98th A&E Maint Sq, 98th Bm Wg (M), APO 328, File 98AES.
Subject: Application for Permission to Marry.
DP/M-2 (22 Jun 54) 3rd Ind.

HEADQUARTERS, TWENTIETH AIR FORCE, APO 239,
13 July 1952.

To: Commander, 98th Bombardment Wing, Medium, APO 328.

1. Approved.
2. Your attention is invited to Inclosure No. 14.
3. Reference Inclosure No. 12, in the future request Chaplain's statement conform with letter Headquarters, Far East Air Forces, File 291 PPS, Subject: Marriage Counseling Conducted by a Chaplain, dated 1 December 1953.
4. Further, this headquarters has noted Item 17, FEC Form 196 (Rev) and Inclosure No. 13 hereto reflects a discrepancy; however, it does not warrant disapproval.

By order of the commander:

JOHN T. McDANIEL,
Lt Col., USAF,
Asst DCS/Personnel.

STATEMENT

1. Under the provisions of FEAF Regulation 30-1, 31 July 1951, we the undersigned, do make the following statement:

(*a*) Legal residence of both parties:

S/Sgt Leslie M. Dickson Jr., 98th A&E Maint Sq, 98th Bomb Wg (M), APO 328.

Suzuki Atsuko, No. 382 9 Chome Ohmori Ohta Ward Tokyo-to.

(*b*) Remaining length of overseas tour: 4 Month.

(*c*) We, the undersigned, understand that, should permission to marry be granted, the United States is in no way obligated to transport the wife or dependents from or within this command except as provided for in current directives.

(*d*) We, the undersigned, fully understand all provisions of FEAF Regulation 30-1. July 1951.

(*e*) In case of death or other incapacity of S/Sgt Leslie M. Dickson Jr., the family of Suzuki Atsuko, has ample income for her support.

(*f*) The courtship of the undersigned has been more than six (6) months duration.

(*g*) We, the undersigned, are both free to marry.

(*h*) We, the undersigned, both realize that our marriage may not be recognized or may be regarded with disfavor in the domicile of one or both parties, or in the area in which we eventually intend to reside.

SUZUKI ATSUKO. LESLIE M. DICKSON, Jr., AF28231538,
S/Sgt, 98th A&E Maint Sq.

766TH BOMBARDMENT SQUADRON, TACTICAL
461ST BOMBARDMENT GROUP, TACTICAL

HILL AIR FORCE BASE, UTAH, *January 14, 1956.*

Congressman JAMES ROOSEVELT,
26th District, California, Los Angeles, Calif.

DEAR CONGRESSMAN ROOSEVELT: 1. Your letter of December 28, 1955, was received, read, and studied very carefully so as to give you that information which you requested.

2. My wife or I neither one signed, to my knowledge, or were we told verbally by anyone, prior to our marriage, that she might not be issued a visa for entrance into the United States. We married with the assumption that she would be allowed entrance, in according with Far Eastern Air Force Regulation 30–1, which pertains to alien marriages and visas.

3. I deeply appreciate your efforts in helping me, and hope this letter will further aid your future efforts.

With the warmest regards, I remain, sir,

LESLIE M. DICKSON, Jr.,
AF28231538, S/Sgt, USAF.

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Honolulu, T. H., 15 October 1954.

Visa Petition No. VP17–7657
S/Sgt. LESLIE M. DICKSON, Jr.,
AF 28231538,
6161st Maint. Sq., Box 74,
APO 328, c/o Postmaster, San Francisco, Calif.

DEAR SIR (or MADAM): Your visa petition has been approved by this service and forwarded to the American consul named in the petition (approved on condition that satisfactory evidence of———— is presented to the American consul).

The actual issuance of visas is a function of American consular officers who serve under the Visa Division of the Department of State. The American consular officer will notify the prospective immigrant of all further steps necessary to apply for a visa. It is unnecessary for you or the prospective immigrant to take any further action until receipt of appropriate notice from the American consular office.

Returned herewith are the following documents which you submitted with your petition.

1. Birth record.
2. Certificate of witness to marriage.

Very truly yours,

ELMER E. POSTON,
District Director, Honolulu District.

SECTION 6

Gerda Martha Negrazus—H. R. 8972, by Mr. Mills

The beneficiary is a 24-year-old native and citizen of Germany who is the fiance of a citizen of the United States. She has been

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found inadmissible to the United States as one who has engaged in prostitution.

The pertinent facts in this case are contained in the below-quoted reports from the Commissioner of Immigration and Naturalization and the Director of the Visa Office, Department of State.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 3, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8972) for the relief of Gerda Martha Negrazus there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Dallas, Tex., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted, admit the commission, or admit committing the essential elements of a crime involving moral turpitude and aliens who have engaged in prostitution, and would authorize the beneficiary's admission for permanent residence is she is found to be otherwise admissible under that act. The bill would also provide that this exemption shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the bill.

The bill would further provide that marriage between the beneficiary and Sgt. Harold A. Jones, a citizen of the United States, shall occur within 3 months after the enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GERDA MARTHA NEGRAZUS, BENEFICIARY OF H. R. 8972

Information concerning the case was obtained from Sgt. Harold A. Jones, fiance of the beneficiary.

Gerda Martha Negrazus, a native and citizen of Germany, who has never been in the United States, was born on August 31, 1931, in Berlin, Germany. She is unmarried and resides at Rathenustr 13, Miesenbach, Germany, with her two illegimate children. One of her children is alleged to be the child of Sgt. Harold A. Jones. The beneficiary completed the ninth grade in school, and a typing course. She is presently unemployed, but has been employed as a typist. She has no assets and is wholly dependent upon Sergeant Jones for support. According to Sergeant Jones, the beneficiary was arrested and convicted for prostitution in Germany. She was denied an immigrant visa at the American consulate in Frankfort, Germany, in April 1955.

Sgt. Harold A. Jones was born on July 3, 1932, at Tupelo, Ark. His parents, Mr. and Mrs. James A. Jones, reside in Tupelo, Ark. He also has 1 brother and 1 sister in the United States. Sergeant Jones

resided with his parents until he volunteered for military service January 3, 1952. He graduated from high school in 1950. He was never gainfully employed and has never been married. He has no assets and his only income is derived from his military pay. His total annual income is $2,124.84. He expects to make the Army a career.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information concerning the denial of a visa to the beneficiary.

DEPARTMENT OF STATE,
WASHINGTON, *April 16, 1956.*

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 26, 1956, requesting a report of the facts in the case of Gerda Martha Negrazus, the beneficiary of H. R. 8972, which was introduced by Mr. Mills on January 31, 1956.

The files of the Department contain reports dated June 14 and July 11, 1955, from the Consulate General at Frankfort, Germany, indicating that Miss Negrazus is believed to be ineligible to receive a visa under section 212 (a) (9) and (12) of the Immigration and Nationality Act for the reason that she was convicted in the District Court at Landstuhl on October 19, 1953, for vagrancy and for prostitution. A copy of a translation of the court is enclosed in duplicate.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

[Translation]

ES 105/53 exped.

Minutes taken during the public session of the District Court at Landstuhl on October 19, 1953.

In presence of: Gerichtsassessor Arnold as judge, Justizoberinspektor Schuff as official of the district attorney, Justizassistent Jung as records official.

Trial of the court proceedings—expeditious proceedings against Gerda Negrazus, born on August 31, 1931, at Berlin, daughter of Erwin and Eva nee Fischer, Protestant, clerk, at last living at Weinheim, Zeppelinstr. 49, at present without permanent residence, for prostitution, etc.

After the case had been summoned, the accused was brought in by the police.

The accused who was interrogated regarding her personal situation, stated the same as above.

Thereupon the prosecuting attorney verbally stated the accusations.

I charge the accused that she became guilty of vagrancy according to paragraph 361, section 3, of the German Penal Code, and of prostitution in accordance with paragraph 361, section 6c, of the German Penal Code, because she is moving from place to place without accepting a permanent job and is dependent on the beneficence of others and because she has sexual intercourse with American soldiers against payment at Landstuhl and environs.

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The accused was asked whether she had to state anything regarding these accusations.

She said: My statements made to the police are true. I refer to these.

Thereupon these statements were read aloud.

The prosecuting attorney requested that the accused be imposed an imprisonment sentence of 4 weeks for prostitution and 2 weeks for vagrancy, and furthermore she has to pay the costs of the proceedings.

The accused had the last word.

She stated: I would like to work if I could find a job. I ask for a mild punishment.

The judge then announced the following through reading aloud the decision and the essential reasons therefor in the name of the people:

Decision

The accused is convicted to serve an imprisonment sentence of 10 days for vagrancy and of 3 weeks for prostitution, and has to pay the costs of the proceedings.

The accused was informed of the legal rights.

The accused and the attorney gave up all claims to legal measure at 12.10 hs.

(s) ARNOLD.
(s) JUNG.

Reasons

During the nights Friday/Saturday and Saturday/Sunday, namely, on October 16 and 17, 1953, the accused camped out with two American Negro soldiers in a tent in the neighborhood of the American Hospital at Landstuhl and had sexual intercourse with them. She has no permanent residence and no possibility to work; she earns her livelihood through prostitution and beneficence of other people.

These statements are based upon the accused's confession.

She thus became guilty of prostitution in accordance with paragraph 361, section 6c, of the German Penal Code, and of vagrancy in accordance with paragraph 361, section 3, as well as for being not in possession of identification papers according to LVO of December 19, 1950.

The costs are based upon paragraph 465 of the regulations for criminal proceedings.

(s) ARNOLD,
Gerichtsassessor.

Mr. Mills, the author of H. R. 8972, submitted the following letter in support of his bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 22, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Permit me to call to your attention H. R. 8972, which I introduced on January 31, 1956, for the relief of Gerda Martha Negrazus.

A constituent of mine now serving in the Army in Germany, SP–2 Harold A. Jones, RA18416229, desires to marry Miss Negrazus and

bring her to the United States as his wife. It is my understanding she was charged with and convicted of prostitution and is not eligible, therefore, to enter the United States under the Immigration and Nationality Act, section 212 (a) (12).

I have been personally acquainted for some time with this soldier's family, Mr. and Mrs. James A. Jones of Tupelo, Ark. I can assure you they are a fine, upright, honorable family, that they are aware, as is the soldier, of all the circumstances involved in the matter that precludes Miss Negrazus from entering the United States under existing law, and that they are perfectly willing for their son to marry and bring her to their home as his wife. They are very sincere in their desire for this son to marry Miss Negrazus, and most eager that the Congress enact legislation to effect her admission in to the United States.

The serviceman is due for rotation next November and is highly desirous of this young lady returning to the United States with him as his wife.

On the basis of my acquaintance with the Jones family and my knowledge of the circumstances relating to issuance of a visa to Miss Negrazus, I recommend to the Committee on the Judiciary approval of H. R. 8972 and its immediate enactment.

Thanking you for your consideration of the matter, with kindest personal regards and best wishes, I am

Sincerely yours,

WILBUR D. MILLS.

SECTION 7

Maria Pizzarello—H. R. 2934, by Mr. Horan

The beneficiary is a 46-year-old native and citizen of Italy who is the daughter of naturalized citizens of the United States. She resided in the United States from 1913 until 1927 when she was deported to Italy on the charge that she had been found practicing prostitution in the United States. It appears also that the beneficiary is inadmissible to the United States under the provision of section 212 (a) (9) in view of the fact that she married her second husband before her divorce to her first husband was final.

The pertinent facts in this case are contained in a letter dated December 16, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary regarding a bill (H. R. 10070) pending during the 83d Congress for the relief of the same person. That letter and accompanying memorandum read as follows:

DECEMBER 16, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request to the Department of Justice for a report relative to the bill (H. R. 10070) for the relief of Maria Pizzarello, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating

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to the beneficiary by the Spokane, Wash.; office of this Service which has custody of those files.

The bill is intended to assure the beneficiary's admission to the United States as a preference quota immigrant under section 203 (a) (4) of the Immigration and Nationality Act by waiving the provisions of section 212 of said act which relates to the general class of aliens ineligible to receive visas and excludable from the United States. The bill's purpose, apparently, is to exempt the beneficiary from the excluding provisions of section 212 (a) (12) and (17) of the Immigration and Nationality Act, although no specific reference is made to those provisions in the bill. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

The beneficiary is chargeable to the quota of Italy.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA PIZZARELLO, BENEFICIARY OF H. R. 10070

Information concerning the case was obtained from the beneficiary's parents, Dominick and Victoria Gioia, her two sisters, Mrs. Rose Townsend and Mrs. Viola Wirth, all living in Spokane, Wash., and from the records of this Service.

The beneficiary is a citizen of Italy, born on April 14, 1909, at San Massimo, Italy. She is presently living with her husband, Alessandro Pizzarello, at Piazza St. Caterina No. 3, Pisa, Italy. She has no children. She first entered the United States at New York City on February 25, 1913. She remained here until her deportation to Italy on October 11, 1927, on the charge that she had been found practicing prostitution in the United States. She is presently employed in Pisa, Italy, as a language teacher. The beneficiary has been married three times. The first marriage was to Pete Martin at Spokane, Wash., in 1924. She next married Albert Chimenti in 1926 at Vancouver, Wash. Her marriage to her present husband was contracted on July 12, 1936, in Pisa, Italy.

The beneficiary's parents are naturalized citizens of the United States living at Spokane, Wash. They own and operate a small farm there and, in addition, derive income from rental property. Mrs. Rose Townsend, sister and cosponsor of beneficiary, operates with her husband a restaurant and cocktail lounge in Spokane which nets an annual income of about $13,000. The other sister, Mrs. Viola Wirth, and her husband, also cosponsors of beneficiary, are living in Spokane. Mr. Wirth is employed there at an annual salary of approximately $6,500.

The beneficiary's husband has indicated his willingness for his wife to immigrate to the United States and has expressed the hope that he will be permitted to follow her to this country.

Inasmuch as the beneficiary is living abroad, the committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure further information.

The Director of the Visa Office, Department of State, submitted the following report on this case, dated November 8, 1954;

DEPARTMENT OF STATE,
Washington, November 8, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of October 21, 1954, and its enclosures, wherein you request a report on the visa case of Maria Pizzarello, beneficiary of H. R. 10070, 83d Congress, 2d session. Reference is also made to the Department's telephonic acknowledgement of October 26, 1954.

A communication has been received from the American consulate general at Genoa stating that Mrs. Pizzarello, who was born in Italy, has not yet been granted authorization to emigrate to the United States by the Italian Ministry of Foreign Affairs and, therefore, has not been registered with the consulate general for immigration purposes.

At this time, the Department has no information from which it could be ascertained whether Mrs. Pizzarello is qualified in all respects to receive a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Mr. Horan, at the request of the committee, submitted the following information regarding the beneficiary's permission to leave Italy:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 4, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House Office Building, Washington, D. C.

DEAR COLLEAGUE: This is in further reference to my letter of May 28 concerning H. R. 2934, a bill for the relief of Maria Pizzarello.

Enclosed are copies of the official cablegrams granting Mrs. Pizzarello an exit permit. I hope they will be of help to you in your committee hearings on this measure.

With best wishes, I am,

Sincerely,

WALT HORAN,
Member of Congress.

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Washington, D. C.

[Translation (Italian)]

[Carbon copy]

Border Inspection, Genua, and Police Headquarters, Pisa.

At the request of Wilmot Garvin, attorney, please communicate by wire if approval was given or reason why approval was not given for okay emigration United States of Maria Gioia Pizzarello, daughter of Domenico, residing Pisa, Piazza Santa Caterina 3, carrying passport number 15189726. Congressman Walt Horan has presented special bill for admission of the above to the United States. Said bill will

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become law only if Italian authorities will give okay for emigration. Please realize that said okay for emigration must be granted by May 31 so as to permit approval of bill by Congress which will terminate its work June 15. Text of this telegram also sent to Pisa Police Headquarters.

ITALIAN CONSUL.

(Italian Consulate, 526 Stuart Building, Seattle, Wash., May 26, 1956.)

(Translated by Elizabeth Hanunian, June 6, 1956.)

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WASHINGTON, D. C.

[Translation (Italian)]

GENUA, *May 26, 1956.*

To Italian Consulate, Seattle, Wash:

Okay for emigration United States granted Maria Gioia Pizzarello.

INSPECTOR SOLERI.

(Translated by Elizabeth Hanunian, June 6, 1956.)

Mr. Horan appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of his bill.

Mr. Horan also submitted the following letter in support of this bill:

WASHINGTON STATE SENATE,
April 15, 1955.

Re H. R. 2934 for the relief of Maria Pizzarello.

Hon. WALT HORAN,
House of Representatives, Washington, D. C.

DEAR WALT: Replying to your letter to Rose Townsend, and in answer to Chairman Celler's letter to you of April 7, I wish to make the following statements.

1. Maria Pizzarello was born Marie Gioia on April 14, 1909, and came to America with her parents at the age of 3.

2. On or about April 1925, Marie Gioia was married to Peter Martin, who deserted his wife shortly thereafter.

3. On March 9, 1926, an Interlocutory decree of divorce No. 76576 was granted by the Superior Court of the State of Washington in and for the county of Spokane. This divorce became final by action of the court signed on January 19, 1927.

4. On December 20, 1926, approximately 30 days prior to the final decree, Mary Martin married one Albert Chimeniti.

5. Thereafter Albert Chimeniti and Maria Chimeniti were deported to Italy.

6. Two months after their arrival in Italy, Chimeniti deserted his wife and, inasmuch as divorces are not granted in Italy, he married another woman and had two children thereby.

7. In 1936, Marie Chimeniti was married to Alessandro Pizzarello, believing that Chimeniti had obtained legal separation under Italian law. Maria Pizzarello and Alessandro have lived harmoniously and happily together since 1936.

There are two discrepancies in the foregoing narration; i. e., first, that Maria Martin (Marie Pizzarello) married Albert Chimeniti 1

month prior to the final decree of divorce from Martin. Secondly, she married Alessandro Pizzarello in Italy after she had been deserted, and after he had married another woman and had two children, and under the belief that she was legally separated from Chimeniti.

The fact that she was married to Chimeniti 1 month prior to the final decree of divorce from Martin might void her marriage to Chimeniti, and thereby legalize her marriage to Pizzarello.

The enclosed photostatic copies substantiate the above outline and status of her marriages.

With the above outline, and the enclosures, we hope that the committee will see how this situation came to pass and why it would be justified in recommending passage of H. R. 2934.

Sincerely,

JOHN H. HAPPY.

SECTION 8

Risto Saari—H. R. 8524, by Mr. Powell

The beneficiary is a 34-year-old native and citizen of Finland who is the husband of a United States citizen. He is inadmissible to the United States because of two convictions for theft in Finland when he was 18 years of age, and because he was deported from the United States after he entered the United States illegally.

The pertinent facts in this case are contained in the below-quoted reports from the Commissioner of Immigration and Naturalization and the Director of the Visa Office, Department of State.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 11, 1956.

Hon EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8524) for the relief of Risto Saari, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted, or who admit the commission, of a crime involving moral turpitude and would authorize the alien's admission for permanent residence, if he is otherwise admissible under that act. The bill further provides that this exemption shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE RISTO SAARI, BENEFICIARY OF H. R. 8524

Information concerning this case was furnished by Mrs. Vera Saari, the beneficiary's spouse, a citizen of the United States, who resides at 2085 Lexington Avenue, New York, N. Y.

The beneficiary, Risto Saari, is a native and citizen of Finland, who was born on April 29, 1922. He was married to the sponsor in New York on February 9, 1952. His occupation abroad had been that of a seaman, but since September 1955 he has been employed as a baker in Stockholm, Sweden, earning $30 weekly salary. His assets consist of furniture and clothing valued at $200. The beneficiary was arrested and convicted of the crime of theft when he was under 18 years of age, for which he served 6 months' imprisonment in Turku, Finland. A visa was denied him by the American consulate in Helsinki, Finland, because of this conviction. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

The beneficiary made numerous trips in and out of the United States as a seaman between 1949 and 1952. He last entered the United States illegally on July 24, 1953, by walking through the fields in the vicinity of Rouses Point, N. Y. A warrant of arrest in deportation proceedings was issued on July 24, 1953, on the grounds that he admitted the commission of a crime involving moral turpitude, to wit, theft; that he was not in possession of a valid nonimmigrant visa or border crossing card at time of entry; and that he entered without inspection. The beneficiary was accorded a hearing on August 19, 1953, when an order was entered that he be deported from the United States on the charges stated in the warrant of arrest. A warrant for his deportation was issued on September 15, 1953, and he was deported to Finland on October 8, 1953.

Mrs. Saari was born on January 17, 1900, in Vesilanti, Finland. She is employed as a cook by Mrs. Elizabeth W. Swain, 1 Sutton Place, New York, N. Y., and earns a salary of $200 monthly. Her assets in the United States consist of a savings bank account in the amount of $450, $2,000 in stocks, and clothing and personal effects valued at $500.

The beneficiary's father, mother, and sister are residing in Finland. The sponsor's father, two brothers, and a sister are also residents of Finland.

DEPARTMENT OF STATE,
Washington, February 13, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 24, 1956, requesting a report of the facts in the case of Risto Saari, the beneficiary of H. R. 8524 which was introduced by Mr. Powell. Mr. Saari is the husband of Vera Saari.

The Department's files contain reports dated March 13, 1953 and September 14, 1954, from the Legation at Helsinki indicating that Mr. Saari was convicted on May 30, 1940, in the criminal court of Turku, Finland, for theft on two separate occasions when under eighteen years of age and that he was given a prison sentence of six

months. Two copies of translations of the court record in the case are enclosed.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

DEPARTMENT OF STATE

DIVISION OF LANGUAGE SERVICES

[Translation]

TC No. 54003 R–VI Finnish.

STATEMENT OF ORIGINAL RECORD—FORM A

Statement of criminal record requested by person named below:

1. Family name: Saari.
2. All Christian names: Risto Kalervo. Family names of father: Frans Aarne.
3. Date of birth: April 29[?], 1922.
4. Place of birth: Rymättylä.
5. Place of registration (domicile): Rymättylä.
6. Church register: Rymättylä, page 694.
7. Occupation or calling: Machinist; formerly seaman.
8. By what authority or person is the record requested: American Consulate.
9. For what purpose is the record requested (if the person has been accused of any misdeeds, full details as to time and place must be given): in connection with American visa.

Helsinki, April 8, 1952.

(Signed) RISTO SAARI,
Machinist.

Number of Statement of Criminal Record: 270572. Helsinki, Criminal Record Office, Ministry of Justice. April 8, 1952.

(Stamp) AUNE NUUTILAINEN.

Court—Date of record	Notations on Criminal Record		
	Why sentence or decision was pronounced	Punishment, other measure or decision and present statement in criminal register, as well as article of law	Date when punishment was undergone or date of release from the institution concerned
June 18, 1940: Turku Criminal Court Section 1.	Repeated flagrant thefts by young persons.	6 months disciplinary training. 3 years good behavior.	Dec. 18, 1950.

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[Translation]

Attached to Report M 312

MINUTES OF THE EXAMINATION

Copy
City of Turku
Police Department
Criminal Section

No. 311.(412)—Thursday, 30th of May 1940

Subject: Saari, Risto Kalervo, Vuori, Väinö Nestor, and Vilponen, Dimitri Alexej.
Arrested: Saari, Risto Kalervo, and Vilponen, Dimitri Alexej; also Vuori, Väinö Nestor.
(Two 1000 mark tax stamps glued here.)
Stamp tax mk 2225: (Finnish marks).
(Three tax stamps attached here, two for 100 marks each and one for 25 marks.)

Tuesday, 23rd of April 1940, at 10.40 o'clock street merchant Alina Amalia Lindholm, living at No. 4, Door 7, West Pitkäkatu, reported to the Criminal Section of Police Department, that between December 22 and April 22 from the locked storeroom of the complainant at Kauppiaskatu 12, some clothing had been stolen.

Upon the investigation by detectives Lauri Närvä and Veikko Lehtinen, the storeroom was located in the building in the yard where also was situated the woodshed of the house. The partitions in the building were of wooden logs. Looking right from the door of the building, on the right hand partition wall, about 50 centimeters high from the floor there appeared an opening about 35 x 35 centimeters, which lead to the woodshed on the other side of the wall. The opening had been closed with a trapdoor which had been placed into the slotted space around the edge of the opening. In addition a nail had been driven into the wall near the trapdoor, and the head part of the nail bended over the door so as to make the door stay in place. The thief or thieves had loosened the trapdoor from the side of the woodshed and thus gained entrance into the storeroom and upon leaving had placed the door in its place again. According to the complainant Risto Kalervo Saari, the following goods were taken from the storeroom:

Men's knitted wool sweaters and silk shirts, men's and women's woven underwear and stockings, women's "faust" caps, also woven underwear. The complainant could not tell how many articles had been taken since she had no inventory listing, but she estimated the value of missing articles at 2,000 (Finnish) marks.

Suspected of the theft the following persons were taken into custody by the Criminal Section of Police, one Väinö Nestor Vuori on April 16th, Dimitri Alexej Vilponen on April 24th, and Risto Kalervo Saari on the 25th of April, also Saima Johanna Vilponen. Stolen property were recovered from the following persons:

From the workman's wife, Elsa Amanda Heinonen, at Tikkumäki Cottage No. 12–15 at Maaria:

(Ten articles) Valued at 277: (Finnish marks).

From unemployed woman, Rakel Frid, living in the same place:

(Nine articles) Valued at 180: (Fninnish marks).

From workingman Kustaa Adrian Rautio, of Pihlajamäki Cottage No. 11, the following:

(7 Articles) Valued at 184: (Finnish marks).

From workingman's wife, Anna Adolfina Leino, Arvidinkatu 6, following:

(2 Articles) Valued at 170: (Finnish marks).

From chauffeur's wife, Saara Annikki Nordlund at Cottage No. 8 at Ruissalo, following:

(18 Articles) Valued at 196:50 (Finnish marks and 50 pennies).

From tugboat engineer Into Ilmari Leino at Ruissalo Cottage No. 8, following:

(2 Articles) Valued at 92: (Finnish marks).

From the same residence in the possession of Ingrid Tyyne Leino, following:

(2 Articles) Valued at 89: (Finnish marks).

In the same residence from the black traveling baggage left there by Alexej Vilponen the following were found:

(70 Articles) Valued at 787: (Finnish marks).

(Articles in the minutes are listed, but the translator did not translate the items, but designated only the number of articles found and their value.—Translator's note.)

Under the circumstances the undersigned (Police Department of the City of Turku) held examination between 20th and 30th of May 1940, in the presence of Detective Veikko Lehtinen at the Turku Police Station, and following (of the examination) is noted:

(1) Street merchant Alina Amalia Lindholm, residing at No. 4, Door 7, West Pitkäkatu, was heard and she repeated her earlier complaint (of missing articles). When goods repossessed by the police were shown to her she told them to be identical with the goods taken from her storeroom. At the same time the complainant reported the wholesale price of the articles above listed. The complainant requested that guilty persons be punished, and she also reported that she will seek damages for the lost goods in the court.

Merchant Seaman Risto Kaleervo Saari stated that he was born on April 29, 1922, at Rymättylä's Old Town section (in Finland) from married parents workingman Aarne Frans Saari, his father, and Anna, maiden name Sundvall, his mother. Both parents live and reside at Rymättylä. He is registered in Rymättylä, and his last abode had been on S. S. Hermes (steamship) where he worked as a deckhand. He had been graduated from Grade School, has been confirmed and had graduated from Continuation School. From the age of 15 he has supported himself as seaman in sail and steam boats, unmarried and in poor shape financially.

Upon his own report he has never before been arrested.

He told that one day in January 1940, he had struck and acquaintanceship with one Väinö Vuori in a restaurant at Yliopintonkatu 16, and as he was without residence, he moved to live with Vuori in the room at Kauppiaskatu 12.

One day during the past February, the reciter did not remember the exact date, he had gone to the woodshed to split firewood. The reciter saw on the right hand side of the partition wall in the woodshed about one-half of a meter high from the floor an opening in the logwood

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wall, covered with trapdoor that fitted in the opening. On the lower edge of the opening a nail had been driven into the wall, and its head bended over the trapdoor edge so as to keep it in place. From the curiosity the reciter pulled the door from the handle on it, and the trapdoor came off. He put his head through the opening to see what was inside, and he saw the room there full of fiberboard boxes from some of which clothing seemed to protrude. The reciter closed the trapdoor, and when he went back to his room he told about his find to Väinö Vuori and what seemed to be in the storeroom next to the woodshed. Vuori told the reciter that he will go to investigate himself and reciter was left in the room. When Väinö Vuori returned from the woodshed he suggested to the reciter that they together get into the storeroom to pick up the goods there and then sell them.

After a few days they went together to the woodshed, where Vuori removed the trapdoor from the partition wall, and he went inside while the reciter was left outside to receive the goods which Vuori was turning over through the opening. The reciter packed the clothes in the plywood box which he brought with him and put wood on the top to hide the clothes. In the meanwhile Vuori came out from the storeroom and closed the trapdoor. Then they together took the plywood box to their residence where Vuori repacked the clothes into two paper bags and then he (Vuori) suggested that they take them to the place of a woman he already knew. The reciter agreed to it, and then in the darkness of the evening they took the clothings in two paper bags to one Elsa Heinonen at Tikkumäki No. 12–13. E. Heinonen examined the clothes and tried on the underskirt and the pants. Vuori then sold the clothes in the paper bags to Heinonen and agreed to accept the payment whenever she can pay. Else Heinonen then asked Vuori where did he get the clothings, and Vuori told her that he had stolen them from a storeroom. Then E. Heinonen urged Vuori to get some more of these clothes for her, but reminded, "If you get caught with the stealing, don't mix me in it." Then a woman by the name of Rakel Frid came into the Heinonen's residence to whom Heinonen told that she had bought some clothings from Vuori for herself and for her too. The reciter did not know whether or not Vuori sold afterward any clothes to Rakel Frid, nor whether or not E. Heinonen ever paid for clothings sold to her by Vuori.

About two days later the reciter went again with V. Vuori to the woodshed, where Vuori entered the storeroom same way as the first time, and the reciter was left outside to receive the goods and he packed them in the wooden box like the first time. This time they stole, with others, men's and women's stockings and neckties. The reciter sold the stolen articles with Vuori to unknown persons, stockings for 10 marks a pair and neckties for 12 marks. Vuori kept the money obtained from the sold articles but paid the reciter's meals in the restaurants. The reciter sold one pair of stockings for 10 marks at restaurant named Ainola, located at Kristiinankatu 10, to unknown person, who paid it to Väinö Vuori. The reciter did not go any more with Vuori to steal the goods from the storeroom. Vuori did go alone to steal more goods several times afterward and sold them in his presence in their residence to an elderly man whom he did not know. Sold goods included women's and children's underwear, also colored kerchiefs at 150 marks.

I will appreciate the courtesy of your advices at your convenience, and of course Mrs. Saari and I are ready to provide you with all the additional information you may require to chart your course in the premises.

Yours respectfully,

PETER C. DEVINE.

SECTION 9

Luis Nicolas Fuentes y Milanes—H. R. 4859, by Mr. Davidson

The beneficiary is a 27-year-old native and citizen of Cuba who is the husband of a lawfully resident alien in the United States. He is ineligible to receive a visa under the provisions of section 212 (a) (9) and (19) of the Immigration and Nationality Act because he made false statements in connection with his application for an extension of his temporary visa, and because he entered the United States upon the presentation of a document to which he was not entitled.

The pertinent facts in this case are contained in the below-quoted reports from the Commissioner of Immigration and Naturalization and the Director of the Visa Office, Department of State.

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 30, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4859) for the relief of Luis Fuentes (Luis Fuentes Millares), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the provisions of section 212 (a) (9) of the Immigration and Nationality Act, which excludes from admission to the United States aliens who admit committing acts which constitute the essential elements of a crime involving moral turpitude, if he is found to be otherwise admissible under the provisions of that act. The bill provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LUIS FUENTES (LUIS FUENTES MILLARES), BENEFICIARY OF H. R. 4859

Information concerning the beneficiary was furnished by Isabel Fuentes, his wife, who is a permanent resident of the United States.

The beneficiary, Luis Fuentes (Luis Fuentes Millares), born January 6, 1929, is a native and citizen of Cuba. He was married on

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April 10, 1954, at New York City and has one United States-citizen child, a daughter, Juliana, born on March 22, 1955. Mr. Fuentes resides in Habana, Cuba, where he is employed as a bank clerk. He received the equivalent of a high school education in Cuba. His assets consists of real estate in Cuba, valued at about $5,000. The beneficiary's only close relative is his father, who is a native citizen and resident of Cuba.

The beneficiary first entered the United States at Miami, Fla., on December 22, 1953, at which time he was admitted as a visitor for 2 months. He obtained one extension of his temporary stay to May 21, 1954. An application for a further extension of stay was denied and he was ordered to depart from the United States by June 20, 1954. During his visit, he was employed as a waiter at the Polyclinic Hospital in New York City from January 20, 1954, until June 17, 1954, and received a salary of $110 a month.

Luis Fuentes obtained a nonquota visa for permanent residence at the United States consulate at Habana, Cuba. On July 28, 1954, he applied for admission at Key West, Fla. After a hearing on July 29, 1954, the special inquiry officer ordered that he be excluded on the ground that at the time of his previous visit in the United States, he made false and fraudulent statements in his applications for extensions of his temporary stay.

Isabel Fuentes, a native of Cuba, resides with her infant daughter at 344 West 48th Street, New York City. Her assets consist of $3,500 in cash savings and personal property. She was employed as an operator until December 1954, and earned a salary of $50 a week. She stated that the beneficiary furnishes from $20 to $30 for the support of herself and the child.

DEPARTMENT OF STATE,
WASHINGTON, *April 24, 1956.*

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of April 4, 1956, requesting a report of the facts in the case of Luis Fuentes (Luis Fuentes Millares), the beneficiary of H. R. 4859, which was introduced by Mr. Davidson on March 10, 1955.

The files of the Department contain a report dated March 29, 1956, from the Embassy at Habana stating that the files of that office indicate that Luis Fuentes was issued an immigrant visa on July 23, 1954, upon the finding that he was eligible under the immigration laws to receive such visa. The report adds that no information is available regarding the grounds upon which he was excluded by the immigration authorities at Key West, Fla., under section 212 (a) (9) of the Immigration and Nationality Act.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

DEPARTMENT OF STATE,
WASHINGTON, *June 4, 1956.*

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to the Department's letter of April 24, 1956, in reply to your communication of April 4, 1956, concerning Luis Fuentes (Millares), the beneficiary of H. R. 4859, which was introduced by Mr. Davidson on March 10, 1955.

A supplementary report dated May 16, 1956, has been received from the Embassy at Havana reading in part as follows:

"We failed to point out that the alien to whom we issued the immigration visa and who was excluded at Key West was Luis Nicolas Fuentes y Milanes, born at Campechuela, Oriente, Cuba, on January 6, 1929, married to Isabel Gonzalez Marti, and now resident at Sitios 213, Havana; while the beneficiary of H. R. 4859 is Luis Fuentes (Luis Fuentes *Millares*).

"Our applicant states that he has never used the name Millares.

"It is suggested that, if the bill is intended to benefit our applicant, it be amended while still in committee to describe the beneficiary by his full and correct name."

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mrs. Xanthi Grekas—H. R. 10019, by Mr. Velde

The beneficiary is a 44-year-old native and citizen of Greece who is the wife of a United States citizen. She is inadmissible to the United States under the provisions of section 212 (a) (9) and (19) of the Immigration and Nationality Act because she committed perjury in connection with the procurement of a visa through fraud.

The pertinent facts in this case are contained in the below-quoted reports from the Commissioner of Immigration and Naturalization and the Director of the Visa Office, Department of State.

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 21, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 10019) for the relief of Mrs. Xanthi Grekas, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of or admit having committed a crime involving moral turpitude, and aliens who seek to procure, or have procured, a visa or other documentation by fraud or by willfully misrepresenting a material fact, and would authorize the beneficiary's admission for permanent residence, if she is otherwise admissible

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under that act. The bill also provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. XANTHI GREKAS, BENEFICIARY OF H. R. 10019

In addition to the files of the Immigration and Naturalization Service, information concerning this case was obtained from John Grekas, the beneficiary's husband.

The beneficiary, Mrs. Xanthi Grekas, also known as Andromachi Grekas, a native and citizen of Greece, was born on May 5, 1912. She married John Grekas, a United States citizen, in Greece on December 22, 1946. Her two daughters and stepdaughter, United States citizens, are residing temporarily with her at Eoanninon 20, Athens, Greece.

The beneficiary is supported by her husband. She completed elementary school in Greece. Her widowed mother, 3 brothers and 2 sisters reside in Greece. A brother resides in the United States.

The beneficiary entered the United States for permanent residence at New York, N. Y., on January 23, 1947. At that time she was in possession of a nonquota visa issued in the name of Andromachi Grekas, which was the name of the first wife of John Grekas. Andromachi Grekas died in Greece on June 13, 1946. The beneficiary departed from the United States on June 17, 1955, to visit her mother in Greece. A visa petition to establish nonquota status in her behalf was approved on October 27, 1955. The Visa Office, Department of State, was notified on October 28, 1955, of the results of investigation, which disclosed that the beneficiary had procured a visa through fraud and had committed perjury in connection with such procurement.

The beneficiary's husband became a naturalized citizen of the United States on March 5, 1927. He resided in the United States from 1920 to 1937, when he returned to Greece. He resided in Greece until 1947. He was not registered under the Selective Training and Service Act of 1940. Mr. Grekas resides at 11335 South Forest Street, Chicago, Ill. He owns a home valued at $20,000 and his interest in a restaurant is valued at $25,000. He has $3,000 in savings. His income from his business and rentals is $600 a month.

DEPARTMENT OF STATE,
Washington, April 12, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 20, 1956, requesting a report of the facts in the case of Mrs. Xanthi Grekas, the beneficiary of H. R. 10019 which was introduced by Mr. Velde on March 15, 1956.

The files of the Department contain a report dated December 21, 1955, from the Embassy at Athens, Greece, indicating that Mrs.

Grekas is considered to be ineligible to receive a visa under section 212 (a) (19) of the Immigration and Nationality Act for the reason that she fraudulently obtained an immigrant visa at Athens on December 9, 1946, in the name of her husband's deceased first wife. It is stated that the visa and the documentary evidence attached to the visa, except the photographs, were in the name of the first wife, Andromachi I. Grekas. It is stated that she went through the physical examination in the first wife's name, signed the visa and her own photographs with the name of the first wife, and gained entry into the United States in 1947 with this documentation.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Mr. Velde, the author of H. R. 10019, submitted the following letter in support of his bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 17, 1956.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration, House Judiciary Committee, House Office Building, Washington, D. C.

DEAR TAD: I understand the committee has just received a report from the Visa Office relative to my private bill, H. R. 10019, introduced March 15 in behalf of Mrs. Xanthi Grekas.

Mrs. Grekas and her three children have been precluded from returning to this country since their visit to Greece last year, and Mr. Grekas, a United States citizen, is in a serious state of anxiety awaiting the return of his family.

I certainly would appreciate anything you could do by way of holding an early hearing on the bill. I shall be ever so grateful for anything you might do and I know Mr. Grekas will be very much relieved to know that some positive action is finally being taken to reunite the family.

Sincerely,

HAROLD H. VELDE, M. C.

SECTION 10

The three beneficiaries of this section are spouses of United States citizens and the spouse of a lawfully resident alien of the United States. They are inadmissible to the United States under the provision of section 212 (a) (19) of the Immigration and Nationality Act as persons who have sought to enter the United States by willfully misrepresenting material facts.

Departmental reports, and such additional information as was submitted to the committee, appear below.

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Francisco Haro Galaviz—H. R. 8650 by Mr. Miller of California

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 21, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8650) for the relief of Francisco Haro Galaviz, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have sought to procure, or have procured a visa or other documentation, or seek to enter the United States by fraud or by willfully misrepresenting a material fact, and would authorize the beneficiary's admission for permanent residence if he is found to be otherwise admissible. The bill would also provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FRANCISCO HARO GALAVIZ, BENEFICIARY OF H. R. 8650

Francisco Haro Galaviz, also known as Ramon Mejia-Duran, a native and citizen of Mexico, was born on October 19, 1919. He was married to Petra Sanchez on March 11, 1953 in Oakland, Calif. They have two children, Francisco David born in Hayward, Calif., on December 18, 1953, and Pedro born in Hayward, Calif., on December 22, 1955. Mrs. Haro and her children live at 272½ Western Boulevard in Hayward.

Mr. Haro is working on his father's ranch in Mayahua, Zacatecas, Mexico. He was previously employed in a nursery in the United States. His present income is unknown. The family assets consist of an automobile valued at $200, furniture worth $700, and $1,200 in the bank. Their debts amount to approximately $350. The beneficiary's parents, 3 brothers and 2 sisters live in Mexico.

Mr. Haro applied for admission to the United States at Calexico, Calif., on April 24, 1950, and at that time assumed the identity and presented the United States citizenship documents of Ramon Mejia-Duran. Although the fraud was not then detected, he was nevertheless excluded by a board of special inquiry on April 28, 1950, as an alien, not in possession of a valid passport and immigrant visa after a finding was made that the applicant in the assumed identity of Ramon Mejia-Duran, lost United States citizenship by remaining outside this country during time of war to avoid or evade military training. His appeal

was dismissed by the Board of Immigration Appeals on July 24, 1950. Prior to his application for admission on April 24, 1950, the beneficiary was in the United States unlawfully on two occasions. On the first occasion he was permitted to return voluntarily to Mexico on February 19, 1947. On the second occasion he was permitted to return to Mexico on January 16, 1950. He was also in the United States unlawfully following his exclusion on April 24, 1950. In this connection, it is indicated that he was permitted to return voluntarily to Mexico on June 25, 1955.

Mrs Haro, a United States citizen, was born on October 23, 1922 in Selby, Calif. She has been employed in a nursery in San Leandro, Calif., since 1948 and now earns a salary of $160 monthly. Her mother, 7 brothers, and 4 sisters live in the United States.

DEPARTMENT OF STATE,
Washington, March 15, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 27, 1956, requesting a report of the facts in the case of Francisco Haro Galaviz, the beneficiary of H. R. 8650, which was introduced by Mr. Miller on January 19, 1956.

The Department's files contain a report dated February 24, 1956, indicating that Mr. Galaviz has been refused a visa under section 212 (a) (19) of the Immigration and Nationality Act on the ground that in 1949 he fraudulently obtained a United States passport under the name of Ramon Mejia-Duran and attempted to enter the United States on April 24, 1950, at Calexico, Calif., by fraudulently representing himself to be an American citizen.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

STATEMENT BY CONGRESSMAN GEORGE P. MILLER IN SUPPORT OF H. R. 8650 FOR THE RELIEF OF FRANCISCO HARO-GALAVIZ

Mr. Chairman and members of the committee, thank you for your courtesy in hearing H. R. 8650 for the relief of Francisco Haro-Galaviz.

Mr. Haro, a native of Mexico, is married to an American citizen and has two American-born children. The wife and children reside in my congressional district.

The alien has been found excludable under section 212 (a) (19) because he once applied for admission to the United States in possession of a passport belonging to another person. To my knowledge, he has always maintained his own identity in his work and community except on this one occasion.

I have received many letters from Mrs. Haro stating that her husband is a good father and a good provider. Mrs. Haro is and has been struggling to make a home for herself and her infant children by working in a nursery in spite of being in poor health and in need of medical attention.

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I respectfully request the committee to favorably consider this bill which would allow Mr. Haro to take his rightful place as head of the family and resume the responsibility for taking care of his wife and infant children.

A. NOBLE DASHIELL, D. O.
October 25, 1955.

To Whom It May Concern:

This is to certify that Mrs. Frank (Petra) Haro is pregnant, due to deliver in November 1955, and under medical care at this office.

Mrs. Haro has been advised to remain off her feet but for financial reasons feels it necessary that she continue working even though it may be detrimental to her health. However this has increased the cost of her maternity care due to the extra medication and care required.

A. NOBLE DASHIELL, D. O.

Heron Puebla-Vargas—H. R. 9379, by Mr. Miller of California

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 6, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9379) for the relief of Heron Puebla-Vargas, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have sought to procure, or have procured a visa or other documentation, or seek to enter the United States by fraud or by willfully misrepresenting a material fact, and would authorize the alien's admission for permanent residence if he is found to be otherwise admissible. The bill would also provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HERON PUEBLA-VARGAS, BENEFICIARY OF H. R. 9379

Information concerning the case was obtained from Carmen Carrillo-Silva de Puebla, wife of the beneficiary.

Heron Puebla-Vargas, also known as Heron Margaro Puebla-Vargas, a native and citizen of Mexico, was born on October 17, 1926. He was married to Carmen Carrillo-Silva, a lawful permanent resident of the United States, at Reno, Nev., on May 11, 1953. They have three United States citizen children.

The beneficiary now lives in Tijuana, Baja California, Mexico. He attended school in Mexico for 7 years. His present employment and income are unknown. He was previously employed as a baker. He has no assets. His parents, two sisters, and a brother live in Mexico.

The beneficiary first entered the United States without inspection near Calexico, Calif., on November 4, 1948. He departed voluntarily to Mexico in August 1950. He was issued a nonresident alien's border crossing identification card at Calexico, Calif., on September 22, 1950, and at that time falsely stated that he had worked for his father in Mexico for the prior 3 years when he had actually been employed in the United States most of that time. He was admitted to the United States on September 25, 1950, with that border crossing card by misreprepresenting that he intended to visit in this country, when in fact he had employment awaiting him which he later accepted. He remained in the United States until August 1951, when he was permitted by this Service to depart voluntarily to Mexico. He entered the United States without inspection a few hours later near Calexico, Calif., and then stayed in this country until December 14, 1954, when he was again permitted to depart voluntarily to Mexico.

Following the obtainment of an immigrant visa from the American consulate general in Tijuana, B. C., Mexico, the beneficiary applied for admission to the United States at San Ysidro, Calif. He was ordered excluded on January 10, 1955, by a special inquiry officer as an alien who had procured a visa or other documentation by fraud or by willfully misrepresenting a material fact. His appeal to the Board of Immigration Appeals was dismissed on April 8, 1955. His application for permission to reapply for admission into the United States after exclusion was denied on August 12, 1955.

Carmen Carrillo-Silva de Puebla was lawfully admitted to the United States for permanent residence at San Ysidro, Calif. on December 14, 1954. She lives at 317 East 10th Street in Oakland, Calif., with her three children. She is a housewife who attended school for 3 years in Mexico. She has no income nor assets. The family is supported by the Alameda County Welfare Department, which furnishes them $144 monthly. Mrs. Puebla's parents live in Mexico.

DEPARTMENT OF STATE,
Washington, May 14, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 1, 1956, requesting a report of the facts in the case of Heron Puebla-Vargas, the beneficiary of H. R. 9379, which was introduced by Mr. Miller of California on February 16, 1956.

The files of the Department contain a report dated April 23, 1956, from the consul at Tijuana, Mexico, containing the following information:

"Mr. Puebla, who was born in Pachuca, Hidalgo, Mexico, on October 17, 1926, submitted to the consulate on August 30, 1954, a preliminary application for an immigrant visa, stating that he desired to immigrate to the United States with his wife in order to rejoin their two American citizen children. He stated that he had resided

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illegally in California since he entered the United States without documentation. The statements made on his preliminary application indicated that he had never been refused a visa, deported or excluded from admission into the United States. Inasmuch as the lookout files maintained at the consulate revealed no derogatory information, a nonquota visa was issued to Mr. Puebla on December 14, 1954."

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

STATEMENT BY CONGRESSMAN GEORGE P. MILLER IN SUPPORT OF H. R. 9379 FOR THE RELIEF OF HERON PUBELA-VARGA

Mr. Chairman and members of the committee, H. R. 9379 is a bill for Heron Puebla-Varga, a native of Mexico. His wife and three American-born children live in my congressional district and are completely dependent upon the community for their support.

Mr. Puebla admittedly misrepresented his residence and employment in Mexico when applying for a border crossing identification card. He has been found excludable under section 212 (a) (19).

The alien otherwise is found to have a good record. He possesses a skill which is in great demand in this country. He is a baker and a job is promised him at a salary of $100 a week in Oakland, Calif. I submit herewith a letter from Mr. Louis Tachella, Manager of the Toscana Baking Co. to this effect.

I respectfully request that the committee favorably consider this bill which would allow Mr. Puebla to be reunited with his family and resume the responsibility for the care of his wife and children.

Thank you for your courtesy in hearing this bill.

TOSCANA BAKING CO.,
Oakland, Calif., September 28, 1955.

To Whom It May Concern:

This is to certify that Heron V. Puebla, was formerly employed by Toscana Baking Co., 3920 Market Street, Oakland, Calif., at an average salary of $100 per week for the period April 1952 to December 4, 1954. If and when he returns to Oakland we will have a job for him.

Yours truly,

TOSCANA BAKING CO.,
LOUIS TACHELLA,
Manager.

Olga Neu Frimer—H. R. 10142, by Mr. Teague of Texas

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 13, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 10142) for the relief of Olga Neu Frimer, there is attached a memorandum of information concerning the bene-

ficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have procured a visa by fraud, or by willfully misrepresenting a material fact, and would authorize the alien's admission for permanent residence, if she is otherwise admissible under that act. The bill would further provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE OLGA NEU FRIMER, BENEFICIARY OF H. R. 10142

The beneficiary, a native of Zloczow, Poland, and a citizen of Cuba, was born on November 28, 1923. She resides in Havana, Cuba, with her husband, Baer Murray Frimer, a native-born United States citizen. Their two minor children are also native-born citizens of the United States. Mr. Frimer is engaged in a paint retailing business in Habana. He has stated that his income from this source amounted to $4,200 in 1955, but has been reduced to such an extent in the current year that he has been compelled to return his two children to the United States where they reside with and are supported by the beneficiary's parents, naturalized United States citizens. The beneficiary and her husband have no assets other than personal effects of negligible value. The beneficiary's only other close relative is a sister who is a naturalized citizen and resident of the United States. Mr. Frimer served honorably in the United States Army from November 1942 to October 1945.

The beneficiary was admitted to the United States for permanent residence on October 1, 1944, at Miami, Fla. At that time she presented a nonquota immigration visa obtained from the American consul in Havana on the basis of her claim of birth in Cuba in 1925. The beneficiary again entered the United States at Niagara Falls, N. Y. on May 20, 1948, at which time she presented a resident alien's border crossing identification card which had been issued at New York, N. Y., on April 3, 1948. In making application therefor, the beneficiary stated that she had been born in Cuba. The record indicates that the beneficiary was brought to Cuba by her parents in 1924 when she was but 8 months old, that the parents obtained a birth certificate for her by representing that she had been born in Cuba in 1925, and that she may not have been aware of the fact that she was born in Poland until advised thereof by her parents in March 1948. A warrant of arrest in deportation proceedings was issued on October 21, 1949, on the grounds that, at the time of entry, she was a quota immigrant not in possession of a quota immigration visa and that she was not entitled to enter the United States for the reason that the border crossing card which she presented had been procured by fraud or misrepresentation.

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After a hearing she was found deportable on the warrant charges on December 17, 1952, and was granted voluntary departure, which she effected on February 25, 1953, at Tampa, Fla.

In July 1955 the beneficiary, again claiming to have been born in Cuba, obtained a nonimmigrant visa from the American Embassy in Havana. She entered the United States shortly thereafter, allegedly to visit her father who had suffered a heart attack, and returned to Cuba about 6 weeks later.

In March 1956 this Service was advised that the American Embassy in Havana had refused the beneficiary an immigrant visa on the ground that she had obtained a visa and had entered the United States by fraud.

Mr. Frimer has stated that he is most anxious to liquidate his affairs in Cuba and return to the United States, where he has prospects of employment which will enable him to provide adequately for his family. He is also concerned over the health of his aged parents who reside in New York. Despite these compelling reasons, he is unwilling to return without his wife.

DEPARTMENT OF STATE,
WASHINGTON, *April 27, 1956.*

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of April 2, 1956, requesting a report of the facts in the case of Olga Neu Frimer, the beneficiary of H. R. 10142, which was introduced by Mr. Teague on March 21, 1956.

The Department's files contain a report dated March 14, 1956, from the Embassy at Habana indicating that Mrs. Frimer, who was born in Poland in 1923, was brought to Cuba by her parents when about 2 years of age and that she was registered by them as having been born in Cuba. In 1924, when Mrs. Frimer was 21 years of age, she obtained a nonquota immigrant visa as an alien born in Cuba, and she later stated that she found after entry into the United States that she had actually been born in Poland. Mrs. Frimer married Baer M. Frimer, an American citizen, in the United States in 1948, she became subject of deportation proceedings and returned to Cuba in July 1955. She made application for a nonimmigrant visa at the Embassy, presenting a Cuban passport indicating her place of birth as Cuba. She was granted a nonimmigrant visa on July 27, 1955. Her visa application gave Cuba as her place of birth and included her statement that she was never arrested in, excluded or deported from the United States. She entered the United States with this visa in 1955. The report states that Mrs. Frimer is considered to be ineligible to receive a visa under section 212 (a) (19) of the Immigration and Nationality Act, as a person who obtained a visa and entered the United States by fraud.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Mr. Teague of Texas submitted the following letter in support of his bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 15, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Thank you very much for your referral of June 14 enclosing the copy of the report of the Immigration and Naturalization Service on Mrs. Olga Neu Frimer, the beneficiary of my private bill H. R. 10142.

It is my understanding from members of your committee staff that this now completes the information from the various departments that is needed prior to committee action on the bill.

In view of the fact that the Congress is rapidly approaching adjournment and account the distressing circumstances of this matter, it is respectfully requested that immediate action be taken on this measure to clear it for House consideration.

With the exception of one unfortunate incident, the fact that Mrs. Frimer is barred from entering this country on a legal basis has not been her fault. Up until 1948, Mrs. Frimer, who was a native of Zloczow, Poland, and who was brought to Habana, Cuba, when she was 8 months old, had been under the impression that she was a native-born Cuban and accordingly had received nonquota immigration visas from the American consul in Habana on the basis of her claim of birth in Cuba.

The one instance which occurred in 1955 when the beneficiary secured a nonimmigrant visa from the American Embassy in Habana under false pretenses was based on extenuating circumstances of her aged father, who is a United States citizen, suffering a heart attack and the purpose of her trip, of course, was to be with him.

Mrs. Frimer's husband, Baer Murray Frimer, is a native-born United States citizen and had honorable service in the United States Army during World War II and their two minor children are also native-born citizens of the United States. At the present time both Mr. and Mrs. Frimer are residing in Habana and the two minor children are in this country being cared for by friends and relatives of the couple on a sharing basis resulting in the children being shifted from one home to another.

Mr. Frimer has been engaged in a paint retailing business in Habana but his business has depreciated to the extent that he is in the process of liquidating it and just as soon as legal entrance to this country can be secured for his wife he will take up residence in New York City and enter into gainful employment with a brother-in-law in that city.

Anything that you can do to assure immediate consideration by your committee in favorably reporting this bill to the House will be sincerely appreciated.

Very truly yours,

OLIN E. TEAGUE, *Congressman.*

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 680), as amended, should be enacted.

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Calendar No. 2791

84TH CONGRESS, 2d Session — SENATE — REPORT No. 2743

WAIVING THE PROVISION OF SECTION 212 (A) (6) OF THE IMMIGRATION AND NATIONALITY ACT IN BEHALF OF CERTAIN ALIENS

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 681]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 681) to waive the provision of section 212 (a) (6) of the Immigration and Nationality Act in behalf of certain aliens, having considered the same, reports favorably thereon with amendments and recommends that the joint resolution, as amended, do pass.

AMENDMENTS

1. On page 2, in line 3, following the colon, insert the following:

Provided, further, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act:

2. On page 2, in line 6, strike the word "and".
3. On page 2, in line 7, change the period to a comma and add the following: "and Doctor Lewis de Huszovszky."

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to waive the excluding provision of existing law relating to those afflicted with tuberculosis in behalf of nine aliens who are close relatives of United States citizens. Provision is made for the posting of a bond in each

case referred to in the joint resolution, as a guaranty that the beneficiaries will not become public charges. The language of the joint resolution provides the necessary assurances that each beneficiary will submit to treatment for tuberculosis as long as such treatment is necessary. The joint resolution has been amended to limit the exemption in each case to a ground for exclusion know prior to the enactment of this act and to add the beneficiary of a Senate bill. Eight of the beneficiaries were included in the joint resolution as it passed the House of Representatives. The other beneficiary included in the joint resolution, as amended, was the subject of an individual Senate bill S. 3299.

STATEMENT OF FACTS

The following information concerning the cases included in the joint resolution was contained in House Report No. 2691, 84th Congress, 2d session, and in the files of the Senate Judiciary Committee:

> In numerous individual cases, the Congress has waived the provision of section 212 (a) (6) of the Immigration and Nationality Act, relating to the inadmissibility of aliens who are afflicted with tuberculosis, in behalf of close relatives of United States citizens or lawfully resident aliens. However, before legislative action was taken on those cases, the committee asked the Department of Health, Education, and Welfare to express an opinion on such legislation.
>
> A letter, dated May 4, 1955, to the chairman of a subcommittee of the Committee on the Judiciary of the House of Representatives from the Assistant Secretary of the Department of Health, Education, and Welfare, concerning certain private immigration bills introduced in the House of Representatives for the relief of the alien spouses and children of United States citizens, reads as follows:
>
> DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
> *May 4, 1955.*
>
> Hon. FRANCIS E. WALTER,
> *Chairman, Subcommittee No. 1,*
> *House Committee on the Judiciary.*
>
> DEAR MR. CHAIRMAN: This is in response to the recent requests of your committee for a report on H. R. 879, H. R. 914, H. R. 1087, H. R. 1092, H. R. 1098, H. R. 1167, H. R. 1391, H. R. 1938, H. R. 2042, H. R. 2253, H. R. 2475, H. R. 2491, H. R. 2530, H. R. 2786, H. R. 3028, H. R. 3029, H. R. 3052, H. R. 3061, H. R. 3191, H. R. 3345, H. R. 3620, H. R. 3536, H. R. 3838, H. R. 4154, H. R. 4593, and H. R. 4469, private relief bills, which would waive the exclusion clause contained in section 212 (a) (6) of the Immigration and Nationality Act prohibiting the admission of aliens afflicted with certain diseases. We understand that the disease involved in the cases covered by these bills is tuberculosis.
>
> The committee is, we understand, concerned with the public health hazard, if any, which would be involved in the enactment of these and similar private relief bills. Our

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comments on these bills therefore are confined to their public health aspects.

Medical officers of the Public Health Service examine visa applicants at the major consulates in Europe to determine from a medical standpoint, the eligibility of the alien to receive a visa to migrate to the United States. These medical examinations, while sufficiently extensive to ascertain the presence of excludable diseases or conditions, among which is tuberculosis, are not sufficiently detailed to reveal the degree of infectiousness or the extent to which a person may constitute a hazard within a community.

It is difficult, if not impossible, because of indeterminate factors, to appraise accurately the health hazard involved in permitting persons suffering from tuberculosis to settle in a particular community. The Public Health Service can, however, recommend on the basis of medical knowledge provisions for continued medical observation and care of such persons so as to minimize or preclude the danger of the spread of the disease.

In the case of aliens afflicted with tuberculosis and entering the United States by special arrangement, a period of hospitalization should be required to permit a complete study and evaluation of each case. Although the necessary period of hospitalization may vary from case to case, a minimum period of 3 months should be required to enable the hospital authorities to determine whether the particular alien should be hospitalized for inpatient treatment, discharged, or discharge to outpatient care under adequate precautions and supervision to protect the public health.

As cases of active tuberculosis are of concern to local health departments and are required to be reported, notification should be made to the directors of the respective State health departments of any such aliens with active tuberculosis residing in their communities.

Should these bills be given favorable consideration by your committee, we would suggest that the admission of these aliens be made subject to such terms and conditions with respect to care, hospitalization, and maintenance as the Attorney General may prescribe after consultation with the Surgeon General of the United States Public Health Service. This recommendation would, we believe, provide for a maximum of administrative flexibility in establishing adequate public-health safeguards to minimize the risk, or degree of risk, of contagion involved in each individual case.

Sincerely yours,

ROSWELL B. PERKINS,
Assistant Secretary.

Departmental reports on each case included in the joint resolution, and such additional information as was submitted to the committee, appear below.

Patrick Joseph Connaughton—H. R. 7582, Mr. Fine

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 5, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7582) for the relief of Patrick Joseph Connaughton, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens convicted of a crime involving moral turpitude, and aliens previously excluded, deported, or removed from the United States who had not secured permission to reapply for admission. It is to be noted that the beneficiary does not appear to be inadmissible to the United States under such provisions of the act, but does appear to be inadmissible as a person afflicted with tuberculosis.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PATRICK JOSEPH CONNAUGHTON, BENEFICIARY OF PRIVATE BILL H. R. 7582

The beneficiary, Patrick Joseph Connaughton, is presently residing in Dublin, Ireland. The information concerning him was obtained in part from the Service files relating to him and was in part furnished by his wife, Mrs. Marion Connaughton, the sponsor of the bill.

The beneficiary was born in County Mayo, Eire, on February 9, 1921, and is a citizen of that country. He and the sponsor were married in New York City on June 18, 1953, although they had previously lived together as man and wife for several years. During the period of his residence in the United States, Mr. Connaughton was employed as a house painter and he helped support his wife's 2 minor children by a prior marriage who resided in the same household and who are now 16 and 14 years of age, respectively.

Mr. Connaughton entered the United States on or about October 7, 1947, at Rouses Point, N. Y., without having been properly inspected or admitted. Deportation proceedings were instituted against him through the issuance of a warrant of arrest on April 30, 1953, on the ground that at the time of entry he was not in possession of a valid immigration visa. After a hearing under the warrant, he was ordered deported from the United States by the special inquiry officer, but on appeal the Board of Immigration Appeals, on June 3, granted him

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voluntary departure with the alternative of deportation if he fails to depart. Mr. Connaughton thereafter voluntarily left the United States on September 3, 1953, and has not since returned.

The Service records relating to Mr. Connaughton do not indicate that he is inadmissible to the United States under section 212 (a) (9) of the Immigration and Nationality Act because of conviction of a crime involving moral turpitude, or under section 212 (a) (17) of the act, because of a prior exclusion, deportation or removal from the United States. However, on July 20, 1955, the American Embassy at Dublin, Ireland, advised that Mr. Connaughton was verbally informed on May 17, 1955, that he must be refused a visa under section 212 (a) (6) of the Immigration and Nationality Act as a person suspected of being afflicted with pulmonary tuberculosis. Mr. Connaughton was also informed that his case could not be reviewed by the Embassy until April 1956, and he was instructed to have a chest X-ray taken every 3 months and submit the films to the Embassy, should he decide to reapply for a visa at that time.

The sponsor, Mrs. Marion Connaughton, was born in New Marlborough, Mass., on February 18, 1905, and is a citizen of the United States. She and her two minor children by a prior marriage are residing at 150 West 165th Street, New York, N. Y., where she is acting as building superintendent, for which service she receives a rent-free apartment and $53 per month. She is also employed part-time as a kitchen girl at the Morrisania Hospital in New York City, earning $25 per week. She has no assets other than household furniture and personal effects as her earnings are barely sufficient to maintain herself and her two children.

DEPARTMENT OF STATE,
Washington, November 18, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of August 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Patrick J. Connaughton, beneficiary of H. R. 7582, 84th Congress, 1st session.

A report recently received from the American Embassy at Dublin, Ireland, states that the subject alien was issued a nonimmigrant visa at St. John's, New Brunswick, in 1946 for the purpose of joining a ship in New York. He "shipped out" on a Greek Line vessel and was paid off in France in May of 1947. Subsequently, he traveled to London and stowed away on a ship to Montreal. He crossed the border into the United States at Rouses Point, N. Y., in September or October of 1947 and remained in the United States until September of 1953. He was apprehended by the Immigration and Naturalization Service in April of 1953 and was given a 30 days voluntary departure notice, which was later extended to August, and then until September 3, 1953, at which time he departed from the United States. The departure was a voluntary one without an order of deportation.

The Embassy also reports that in November of 1942, while a seaman on the British steamship *Lachlan*, Mr. Connaughton said that he was

fined at Greenock, Scotland, for taking cigarettes, tea, and sugar ashore. However, there is no arrest or conviction record relating to the offense which was alleged to have occurred. In a later interview, Mr. Connaughton insisted that the cigarettes, tea, and sugar which he took ashore at Greenock were his and a friend's, and that he had stolen them from the ship's store.

On May 18, 1954, Mr. Connaughton was refused an immigrant visa under section 212 (a) (6) of the Immigration and Nationality Act because he was a person believed to be suffering from pulmonary tuberculosis. On May 9, 1955, his medical file was reviewed by a United States Public Health Service physician who classified him class A pulmonary tuberculosis.

From the information contained in the preceding paragraphs, it does not appear that Mr. Connaughton would be ineligible to receive a visa under section 212 (a) (9) or section 212 (a) (17) of the Immigration and Nationality Act. It should be noted, however, that H. R. 7582, 84th Congress, 1st session, does not afford relief for Mr. Connaughton under section 212 (a) (6) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Mr. Connaughton's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any ground of ineligibility which may come to light prior to visa issuance would preclude him from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Olga Christine Hoelterhoff and infant daughter—H. R. 8080, Mrs. St. George

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 10, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8080) for the relief of Olga Christine Hoelterhoff and infant daughter, Manuela, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form and would authorize the aliens' admission for permanent residence, if found to be otherwise admissible under the provisions of that act. The bill would further provide that this exemption shall apply only to a ground for exclusion of which the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE OLGA CHRISTINE HOELTERHOFF AND INFANT DAUGHTER, MANUELA, BENEFICIARIES OF H. R. 8080

Information concerning this case was obtained from Heinz Hoelterhoff, husband and father of the beneficiaries and sponsor of the bill.

Olga Christine Hoelterhoff was born on May 14, 1912, in Riga, Latvia. She acquired German nationality by marriage to Mr. Hoelterhoff in Germany on December 14, 1948. The child Manuela, who was born in Germany on April 6, 1949, is the sole issue of this union. Mr. and Mrs. Hoelterhoff were divorced in Germany on grounds of incompatibility, but were remarried in Germany on October 26, 1954. Both beneficiaries presently reside in Hamburg, Germany, with Mrs. Hoelterhoff's mother, a German citizen, who is their only relative.

Heinz Hoelterhoff was born January 19, 1914, in Hamburg, Germany. He is presently a citizen of Germany and was admitted to the United States for permanent residence on November 10, 1954. Mr. Hoelterhoff resides in Nyack, N. Y. He is a crane operator and earns $80 per week. His assets consist of a savings bank account in the sum of $400, a car valued at $1,200, and personal belongings valued at $300.

Mrs. Hoelterhoff was refused a visa by the American consul in Hamburg, Germany, because she was found to be afflicted with tuberculosis. Certificates of a doctor exhibited by the sponsor state that Mrs. Hoelterhoff's condition appears to be in an arrested state and that Manuela is in all respects a healthy child.

DEPARTMENT OF STATE,
Washington, February 24, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 13, 1956, requesting a report of the facts in the case of Olga Hoelterhoff and infant daughter, Manuela, the beneficiaries of H. R. 8080 which was introduced by Mrs. St. George on January 3, 1956.

The Department's files contain a report dated February 8, 1956, from the consul general at Hamburg, Germany, containing the following information:

"Mrs. Hoelterhoff is registered in the third preference category of the Latvian quota as of June 2, 1954. She is the beneficiary of an approved petition executed by her husband, Mr. Heinz Hoelterhoff, 311 East 87th Street, New York 28, N. Y. On June 14, 1955, and again on October 25, 1955, Mrs. Hoelterhoff was examined by the United States Public Health Service Surgeon assigned to this Office and found to have a class A pulmonary tuberculosis. The routine consular investigation produced negative results, and it appears that the only grounds for ineligibility in Mrs. Hoelterhoff's case are medical.

"The Department's attention is drawn to the fact that the name of Mrs. Hoelterhoff's child Manuela is unnecessarily included in the

resolution submitted by Representative Katherine St. George. Manuela was medically examined on June 14, 1955, and found to be eligible."

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mrs. Katharina Wolf—H. R. 9307, Mr. Rabaut

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 17, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9307) for the relief of Mrs. Katharina Wolf, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission to the United States aliens who are afflicted with tuberculosis and would, if the beneficiary is otherwise admissible, authorize her admission for permanent residence under such conditions and controls as the Attorney General, after consultation with the Surgeon General, United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. KATHARINA WOLF, BENEFICIARY OF H. R. 9307

Information concerning this case has been obtained from the beneficiary's son, Mr. George Wolf.

The beneficiary, Mrs. Katharina Wolf, a native and citzen of Yugoslavia, was born on October 7, 1893. She is a widow and has four children, all of whom were born in Yugoslavia and have reached maturity. Three of her children reside in the United States. Her son, George, is a citizen of the United States, and her son, Henry, a citizen of Yugoslavia, is serving in the United States Army.

Mrs. Wolf, who is not employed and has no assets, resides with her daughter in Obernberg, Austria. She has an elementary school education. She is dependent upon her children for support. According to Mr. Wolf, the beneficiary was refused a visa by the United States consul at Salzburg, Austria, in 1955, apparently on the ground that

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she was afflicted with tuberculosis. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Mr. George Wolf was born on February 27, 1915, in Yugoslavia, and immigrated to the United States in 1950. He became a naturalized citizen of the United States on February 21, 1956. Mr. Wolf resides with his wife and 3-year-old daughter at 14473 Rosemary Avenue, Detroit, Mich. He is employed as a grinder by the Garland Manufacturing Co. and earns $2.83 an hour. His assets consist of $600 in savings and a $7,500 equity in his home which he purchased for $15,000.

DEPARTMENT OF STATE,
Washington, May 21, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 16, 1956, requesting a report of the facts in the case of Mrs. Katharina Wolf, the beneficiary of H. R. 9307 which was introduced by Mr. Rabaut on February 14, 1956.

"On the basis of an X-ray submitted by the subject applicant in November 1954, the United States Public Health surgeon at Salzburg found it necessary to defer her case until August 1955, in order to observe a possible tubercular condition. During this deferral period, Mrs. Wolf submitted X-rays at 3-month intervals for study by the surgeon. On September 1, 1955, the public health surgeon informed the consulate that Mrs. Wolf's X-rays showed evidence of pulmonary tuberculosis. His precise diagnosis was: 'Pulmonary tuberculosis-chronic soft lesions in right apex.'

"The United States Public Health surgeon reviewed Mrs. Wolf's X-rays on April 24, 1956, and reaffirmed above diagnosis. He also states that in his opinion Mrs. Wolf requires treatment and hospitalization."

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Mrs. Kalman Imredy—H. R. 9370, Mr. Bennett

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 4, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9370) for the relief of Mrs. Kalman Imredy, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Miami, Fla. office of this Service, which has custody of those files.

According to the records of this Service, the correct name of the beneficiary is Margit Imredy, nee Serban.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form, or leprosy, or any contagious disease, and would authorize the alien's admission for permanent residence if she is found to be otherwise admissible under that act. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. KALMAN IMREDY, BENEFICIARY OF H. R. 9370

Information concerning the case was obtained from Mrs. Paul Schiller, the beneficiary's daughter.

The beneficiary, Mrs. Kalman Imredy, nee Margit Serban, who is a native and citizen of Hungary, is approximately 62 years old. She has resided in Lisbon, Portugal, since 1948 with her husband, Kalman Imredy, who is also a native and citizen of Hungary. From 1944 until 1948 she resided in displaced persons camps in Austria. She has never been in the United States. Her daughter, Mrs. Magda Uipeteri, who is a native of Hungary and citizen of Portugal, resides in Cascais, Portugal. Her other daughter, Mrs. Paul Schiller, whose correct name is Mrs. Claire Harkai Schiller, nee Imredy, is a native of Hungary and citizen of the United States, and resides in Jacksonville, Fla. The beneficiary also has a brother who resides in Hungary. She has no tangible assets, is unemployed and is supported by contributions from Mrs. Schiller and charitable organizations. Mrs. Schiller stated that the beneficiary has been afflicted with tuberculosis.

Mrs. Schiller was born on December 30, 1912, in Budapest, Hungary. She is a United States citizen through naturalization on December 12, 1952, in Jacksonville, Fla. Her husband, Paul Schiller, is deceased. Her minor child, Christine Roberta, resides with her. She is a graduate of the University of Budapest, Budapest, Hungary, where she obtained the degree of doctor of philosophy. She is a resident teacher at the Bartram School, a private institution, in Jacksonville, Fla. She has been employed in that position since September 1949 and earns $3,300 a year with room and board furnished. She has assets of $10,000 consisting of stocks and cash. Her indebtedness amounts to $1,500.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information concerning the beneficiary.

DEPARTMENT OF STATE,
Washington, April 5, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 22, 1956, requesting a report of the facts in the case of Mrs. Kalman Imredy,

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the beneficiary of H. R. 9370 introduced by Mr. Bennett on February 16, 1956.

The Department's files contain a report dated July 11, 1955, from the Embassy at Lisbon indicating that Mrs. Imredy has been found ineligible to receive a visa under section 212 (a) (6) of the Immigration and Nationality Act as a person suffering from tuberculosis. The report indicated no other ground for ineligibility to receive a visa than that referred to.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Friederike Schmitt—H. R. 9434, Mr. Cretella

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 16, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9434) for the relief of Friederike Schmitt, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease, and would authorize the alien's admission for permanent residence if she is found to be otherwise admissible under the provisions of that act. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FRIEDERIKE SCHMITT, BENEFICIARY OF H. R. 9434

Information concerning the case was obtained from Mr. and Mrs. James Edward Franklin, son-in-law and daughter of the beneficiary.

The beneficiary, Friederike Schmitt, who was born on May 22, 1894, in Kaiserslautern, Germany, is a citizen and resident of Germany. She has never been in the United States. She was divorced from her husband in Germany in 1918 and permitted to resume her maiden name. She has remained unmarried since her divorce and has had two illegitimate children since her divorce. One of these children died shortly after birth and the other is Mrs. James Edward Franklin, nee Elisabeth Schmitt. The beneficiary has no assets or income other

than a monthly pension of 65 marks which she receives from the German Government.

According to Mrs. Franklin, the beneficiary was refused an immigrant visa at the American consulate, Frankfurt, Germany, on August 29, 1954, when she was found to have been afflicted with tuberculosis. This ground for inadmissibility is found within section 212 (a) (6) of the Immigration and Nationality Act. Mrs. Franklin has stated that subsequent chest X-rays, the latest of which was taken in February 1956, failed to disclose an active tubercular condition.

James Edward Franklin, the beneficiary's son-in-law, is a native and citizen of the United States through birth in New Haven, Conn., on May 4, 1930. He has served in the United States Army from May 7, 1951, until his honorable discharge on March 2, 1954. While serving in Germany, he was married to Elisabeth Schmitt in Kaiserslautern, on November 14, 1953. They have no children. He is employed as a counterman at the General Electric Supply Co., New Haven, Conn., and receives a weekly salary of $65. He and his wife, the beneficiary's daughter, make their home at New Haven, Conn. Their assets consist of an automobile worth about $800. $2,182.37 in a savings account, and household furnishings valued at $1,500.

Mrs. Elisabeth Franklin is a native and citizen of Germany through birth in that country on October 31, 1928. She was lawfully admitted to the United States for permanent residence at the port of New York, N. Y., on April 29, 1954. She is a housewife and is not otherwise employed.

The beneficiary's daughter and her husband, James Edward Franklin, are the persons primarily interested in the bill.

DEPARTMENT OF STATE,
Washington, May 7, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 28, 1956, requesting a report of the facts in the case of Friederike Schmitt, the beneficiary of H. R. 9434 which was introduced by Mr. Cretella on February 20, 1956.

The files of the Department contain a report dated April 11, 1956, from the consul general at Frankfort stating that Mrs. Friederike Schmitt registered on January 31, 1955, as an intending applicant for a nonpreference immigrant visa under the German quota. She called at the consulate general on August 29, 1955, and was found as a result of the medical examination to be ineligible to receive a visa under section 212 (a) (6) of the Immigration and Nationality Act as a person suffering from tuberculosis. The report also indicates that Mrs. Schmitt was found to have certain other physical defects: Obesity, senility, atrophy, and shortening left leg due to coxitis, and defective vision, which would make it necessary for her to have adequate assurance of care and support in this country.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

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Elpidofor Sedljar—H. R. 9706, Mr. Davidson

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 28, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9706) for the relief of Elpidofor Sedljar, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease, and would authorize the alien's admission for permanent residence, if he is otherwise admissible under that act. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELPIDOFOR SEDLJAR, BENEFICIARY OF H. R. 9706

Information concerning this case was furnished by Mrs. Alexandra Sedljar, the beneficiary's spouse, who resides at 212 West 69th Street. New York, N. Y.

The beneficiary, Elpidofor Sedljar, is a native and citizen of Russia, who was born on October 22, 1889. He and the sponsor were married in Russia on May 20, 1914. They have a daughter, age 32, a permanent resident of the United States, who resides with her mother. The beneficiary has no other relatives.

The beneficiary is residing in Hamburg, Germany. He is an engineer by profession, but is unemployed and has no assets. He receives $5 weekly toward his support from the West German Government. He is also aided by Mrs. Sedljar, who sends him $20 monthly on an average. Mr. Sedljar was refused a visa by the American consul in Hamburg, Germany, on the ground that he was a person afflicted with tuberculosis and therefore inadmissible to the United States.

The sponsor, Mrs. Alexander Sedljar, was born in Russia on August 28, 1889. She was admitted into the United States for permanent residence on January 11, 1952, under the provisions of the Displaced Persons Act of 1948. She is employed as a housekeeper in New York City and earns a salary of $120 monthly plus meals. Her

assets consist of a savings bank account in the amount of $1,500 and clothing and personal effects valued at $1,500.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State for additional information concerning beneficiary's inability to obtain an immigrant visa.

DEPARTMENT OF STATE,
Washington, April 13, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 12, 1956 requesting a report of the facts in the case of Elpidofor Sedljar, the beneficiary of H. R. 9706 which was introduced by Mr. Davidson on March 1, 1956.

The files of the Department contain information received from the Consulate General at Hamburg, Germany, indicating that Mr. Sedljar who at one time was a member of the organization of construction engineers in Russia has been found not to be ineligible for a visa on this account for the reason that his membership in the organization is considered to have been involuntary for the purpose of employment only. However, the Consul General has been unable to take action upon Mr. Sedljar's application for an immigrant visa for the reason that he has been found to be suffering from tuberculosis and therefore is ineligible under section 212 (a) (6) of the Immigration and Nationality Act.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 5, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives. Washington, D. C.

DEAR MR. CHAIRMAN: I am enclosing herewith a copy of my bill, H. R. 9706, which I introduced on March 1, 1956, for the relief of Elpidifor Sedljar. This bill has been referred to your committee.

Mr. Sedljar was born in Efremowska, Russia, on October 23, 1889. He is presently in Warsaw, Germany. His wife, Mrs. Alexandra Sedljar, and their daughter, Tatiana, came to the United States in January of 1952 under the Displaced Persons Act. However, Mr. Sedljar was rejected for pulmonary tuberculosis under this act, and was, therefore, not permitted to proceed to this country with his family. On January 19, 1953, he was given preliminary medical clearance by the United States Public Health Service surgeon and processing of his case under normal immigration procedures was begun. This investigation lasted several months. On July 15, 1954, Mr. Sedljar appeared at the consulate general in Hamburg, Germany, for a final security interview and a physical examination. Unfor-

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tunately, the United States Public Health Service surgeon attached to the consulate general found that Mr. Sedljar's tuberculosis had again become active. Since then he has been to the consulate general for X-rays on August 17, 1954; November 16, 1954; February 15, 1955; May 12, 1955; and June 16, 1955. On the basis of these repeated examinations, it was decided by the Public Health Service surgeon that Mr. Sedljar was still suffering from tuberculosis.

Mrs. Sedljar is desirous of having her husband permitted to enter the United States so that he may receive proper medical care and treatment, and may ultimately be rejoined with his family. In this connection, she has made application in her husband's behalf to the American Medical Center at Denver, Colo., which application has been approved. I enclose herewith for the committee's consideration a photostat of a copy of a letter written by the executive director of the Jewish Consumptive Relief Society, which affirms that their hospital will extend professional services to Mr. Sedljar for such time as treatment is required.

I believe that this case is a deserving one, and would therefore appreciate it if your committee would request a report from the Departments of State and Justice. Mrs. Sedljar resides at 212 West 69th Street, New York, N. Y., with her daughter.

Sincerely yours,

IRWIN D. DAVIDSON,
Member of Congress.

THE JEWISH CONSUMPTIVE RELIEF SOCIETY,
Denver, Colo., June 16, 1955.

Miss ALEXANDRA TOLSTOY,
President, Tolstoy Foundation, Inc.,
New York, N. Y.

DEAR MISS TOLSTOY: We are pleased to inform you that in accordance with the liberal and compassionate policy of our hospital, the admission committee has accepted your application for Elpidifor Sedljar, 66, Germany. You may use this letter as affirmation that our hospital will extend medical care and treatment for this patient as long as such treatment is required.

It is respectfully requested that you will recognize our guaranty and that the necessary visa will be issued to the above-named.

Should you require any further information, may I suggest that you contact Jacob M. Miller, our eastern regional director, 11 West 42d Street, New York City, who will follow through with arrangements for Mr. Sedljar's admission.

With every good wish to you in your work in behalf of those who have need of help and encouragement in making a new life among friends in this wonderful country of ours.

Sincerely,

ISRAEL FRIEDMAN,
Executive Director.

Mrs. Katharina Wieland—H. R. 10247, Mr. Zablocki

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 23, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 10247) for the relief of Mrs. Katharina Wieland, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Services files relating to the beneficiary by the Milwaukee, Wis., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease, and would permit the beneficiary to enter the United States for permanent residence if she is found to be otherwise admissible. The bill further provides that she be admitted under such conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. It would also require that a bond be deposited to insure that the beneficiary shall not become a public charge. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. KATHARINA WIELAND, BENEFICIARY OF H. R. 10247

Information concerning this case was obtained from Mrs. Maria Lak, the beneficiary's daughter.

The beneficiary, Mrs. Katharina Wieland, a native of Yugoslavia, who claims to be stateless, was born on February 12, 1909. She is married to Franz Wieland, a native of Yugoslavia. They have five children, all natives of Yugoslavia. The family, except for Mrs. Lak, resides in a displaced persons camp at Seidlung 121 Haid, Post Ansfelden, Austria.

The beneficiary is unemployed and has no assets. She completed 4 years of school in Yugoslavia.

Mrs. Wieland has never been in the United States. According to her daughter, the family group can enter the United States as refugees, except the beneficiary is afflicted with tuberculosis and has been refused a visa by the American consul in Austria because of this affliction. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to furnish information concerning the beneficiary's affliction and ineligibility for a visa.

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The beneficiary's daughter, a native of Yugoslavia, who claims to be stateless, entered the United States as a displaced person on September 5, 1951. She resides with her husband, Josef Lak, at 1754 South 65th Street, West Allis, Wis. Mr. Lak earns $90 a week. They have a $3,000 equity in their home. Mr. and Mrs. Lak have deposited $1,000 with the Vincent De Paul Society, Milwaukee, Wis., to defray the cost of transportation for the beneficiary and her family to the United States.

DEPARTMENT OF STATE,
Washington, June 1, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of April 4, 1956, requesting a report of the facts in the case of Mrs. Katharina Wieland, the beneficiary of H. R. 10247 introduced by Mr. Zablocki on March 27, 1956.

The files of the Department contain a report dated May 2, 1956, from the consulate at Salzburg, Austria, containing the following information concerning Mrs. Wieland.

"The records of the consulate indicate that after reviewing the preliminary pulmonary X-ray submitted by subject applicant in November 1954, the United States Public Health Surgeon at Salzburg advised that her case should be deferred for 12 months, i. e., until November 12, 1955, in order to observe a possible tubercular condition. In accordance with the surgeon's instructions, applicant submitted X-rays at 3-month intervals during this deferral period. These X-rays were reviewed on December 5, 1955, and the Public Health surgeon informed the consulate that Mrs. Wieland was suffering from pulmonary tuberculosis. Mrs. Wieland was informed on December 15, 1955, that she was ineligible for admission into the United States.

"Subsequently, on January 30, 1956, and March 12, 1956, Mrs. Wieland's X-rays were reviewed by the United States Public Health surgeon and the above diagnosis was confirmed."

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 5, 1956.

Hon. FRANCIS E. WALTER,
Office of the Chairman, Subcommittee No. 1,
House Judiciary, House of Representatives.

DEAR MR. CHAIRMAN: I was pleased to learn that the proper executive departments have submitted the required report on H. R. 10247, the bill which I introduced for the relief of Mrs. Katharina Wieland.

I would sincerely appreciate your cooperation in scheduling this measure for early action. Because the Public Health Service has discovered that Mrs. Wieland suffered from tuberculosis, which condition has not been completely arrested to date, the family has decided not to apply formally for their visas until such time as Mrs. Wieland

will be able to accompany them to the United States. I would be deeply appreciative of your early consideration of this matter.

With best wishes, I am

Respectfully yours,

CLEMENT J. ZABLOCKI,
Member of Congress.

Mrs. Rosanna Dall'Osteria Blakeslee

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 9, 1956.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1,
House Committee on Judiciary,
Washington, D. C.

DEAR MR. CHAIRMAN: I wish to submit the following facts concerning the visa application of Mrs. Rosanna Dall'Osteria Blakeslee, Lorenzo Il Magnifico 110, Int. 11, Rome, Italy.

Mr. Ray Blakeslee, her husband, an American citizen, residing at 725 South Brookvale Road, Chesire, Conn., filed a petition for a nonquota visa, which petition was approved and sent to the Naples, Italy, consulate on March 27, 1956.

Upon medical examination on June 7, 1956, at the American consulate in Naples, the United States Public Health Service examining physician deferred diagnosis in her case pending 3 months' observation of a suspected pulmonary condition. Mrs. Blakeslee was requested to return to the consulate general on September 7, 1956, for reexamination by chest X-ray (copy of the consulate's letter herewith attached).

Mr. Blakeslee informed me that his wife had been examined by Dr. Rafaele Cercillo of Via Leparioli 40, Rome, Italy, which examination indicated that a scar had been found in her thorax but it was completely healed and disease not active.

Mrs. Blakeslee is expecting a child in September and her husband, and his family, are most anxious to have her come to the United States to have her child so that it may have American citizenship. The husband served with the American Armed Forces and was stationed in Rome where he married his present wife after separation from the armed services.

It is hoped that this case may be included in the House Joint Resolution 681 which is being referred to the Senate Subcommittee on Immigration for consideration.

Sincerely yours,

ALBERT W. CRETELLA,
Member of Congress.

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THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Naples, Italy, June 21, 1956.

Hon. ALBERT W. CRETALLA,
House of Representatives,
Washington, D. C.

MY DEAR MR. CRETALLA: I have received your telegram of June 16, 1956, concerning your continued interest in the application of Mrs. Rosanna Dall'Osteria Blakeslee for a nonquota immigrant visa under section 101 (a) (27) (A) of the Immigration and Nationality Act of 1952.

Records of the consulate general show that when Mrs. Blakeslee was medically examined on June 7, 1956, in connection with her formal visa application, the United States Public Health Service examining physician deferred diagnosis in her case pending 3 months' observation of a suspected pulmonary condition.

Mrs. Blakeslee has been requested to return to the consulate general on September 7, 1956, for reexamination by chest X-ray. At such time as medical clearance may be granted, the consulate general will be pleased to reconsider her case.

Sincerely yours,

DAVID POST,
American Consul
(For the Consul General).

Dr. Lewis de Huszovszky—S. 3299

The beneficiary is a 61-year-old native and citizen of Hungary who is presently residing in Munich, Germany, with his wife. Their only son is a naturalized United States citizen living in New Haven, Conn. In December 1955, the beneficiary was denied a visa because of lung spots. Without the waiver provided for in the joint resolution, the beneficiary will be unable to accompany his wife to the United States to join their only son.

A letter, with attached memorandum, dated May 16, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to S. 3299 reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 16, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3299) for the relief of Dr. Lewis de Huszovszky, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States

aliens who are afflicted with tuberculosis in any form, and would authorize the alien's admission for permanent residence, if he is otherwise admissible under that Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DR. LEWIS DE HUSZOVSZKY, BENEFICIARY OF S. 3299

Information concerning this case was obtained from Mr. Ivan de Huszovszky, the beneficiary's son.

Dr. Lewis de Huszovszky was born on October 6, 1894, and is a native and citizen of Hungary. He has never been in the United States and resides with his wife at Munich, Germany. He received the degree of doctor of laws from the University of Hungary in 1917 and is employed as a legal adviser to the National Catholic Welfare Conference in Munich at a salary of $1,500 a year. He has no other assets or income.

The beneficiary was refused an immigrant visa by an American consul in Munich on December 29, 1955, on the sole ground that he was afflicted with tuberculosis.

Ivan de Huszovszky, who was born on September 28, 1927, is a native of Hungary and a naturalized citizen of the United States. He is unmarried and resides at New Haven, Conn., where he is a student at Yale University School of Law. He expects to graduate in June 1956 and engage in the practice of law. In addition to his bachelor's degree, he also has a master's degree in international relations. He is employed part-time in a law firm at $100 a month and is self-supported. He has assets consisting of $500 in the bank, and clothing valued at $400.

Senator Prescott Bush, the author of the bill, submitted the following information in connection with the case:

AMERICAN CONSULATE GENERAL,
Munich, Germany, October 21, 1955.

Hon. PRESCOTT BUSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR BUSH: I have received your letter of October 11, 1955, concerning the immigration case of Mr. and Mrs. Lewis Huszovszky.

Mr. and Mrs. Huszovszky are registered at this office on the waiting list of intending immigrants under the Czechoslovak, respectively Hungarian quotas as of June 13, 1951. Mr. Huszovszky, who previously applied, together with his wife, for admission into the United States under the provisions of the Displaced Persons Act, was last

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examined at this office in 1953. Unfortunately, he has been unable to qualify for an immigrant visa because the examination of his X-rays revealed to the United States Public Health Service medical officer that as of November 3, 1953, he did not meet the medical requirements for a visa. Since section 212 (a) (6) of the Immigration and Nationality Act prohibits the entry into the United States of persons with tuberculosis in any form, the consulate general had no alternative other than to refuse a visa to Mr. Huszovszky at that time.

Immigration regulations provide, however, that aliens, who have been certified as being ineligible because of tuberculosis, may be reexamined by a United States Public Health Service physician after 1 year from the date of the result of their last examination. If it then appears that a tuberculosis condition affecting a limited area of the lungs has been arrested and has remained stable for a prolonged period of time, and the examining physician then issues a medical clearance, the visa application may again be considered. Therefore, Mr. Huszovszky is now eligible for reexamination, and we have invited him to submit to the United States Public Health Service, attached to this office, a new large X-ray and all old X-rays which he has in his possession.

As soon as an opinion has been rendered by the medical officer regarding the present status of Mr. Huszovszky's condition, you will be informed of the findings.

Sincerely yours,

J. RAYMOND YLITALO,
American Consul.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 681), as amended, should be enacted.

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Calendar No. 2792

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2744

CERTAIN ALIENS

JULY 20 (legislative day, JULY 16), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 683]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 683) for the relief of certain aliens, having considered the same, reports favorably thereon with amendments and recommends that the joint resolution, as amended, do pass.

AMENDMENTS

1. On page 2, line 13, strike the name "Spiridon", and insert in lieu thereof the name "Spyridon".

2. On page 4, line 5, strike the language "and Mrs. Pender, citizens", and insert in lieu thereof the language ", a citizen".

3. On page 5, line 3, strike the name "Panorea", and insert in lieu thereof the name "Panoraea".

4. On page 6, after line 20, insert the following new section:

SEC. 27. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Yumi Mense, shall be held and considered to be the natural-born alien child of Mr. Alfred L. Mense, a citizen of the United States.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to provide for the admission into the United States as nonquota immigrants of 29 children adopted or to be adopted by citizens of the United States. The joint resolution also makes it possible for the mother of a United States citizen to enter the United States under the second preference portion of the appropriate quota. The joint resolution has been amended to correct the spelling of two names and to correct an error in drafting. The joint resolution has been further amended to include the beneficiary of the bill S. 3519.

STATEMENT OF FACTS

The following information concerning each case included in the joint resolution was contained in House Report 2687 (84th Cong., 2d sess.) and the files of the Senate Judiciary Committee:

Laura Ann Aylott—H. R. 5076, by Mr. Gwinn

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 28, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5076) for the relief of Laura Ann Aylott, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien child pursuant to sections 101 (a) 27 (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant the child would be chargeable to the quota for India.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LAURA ANN AYLOTT, BENEFICIARY OF H. R. 5076

Information concerning this case was obtained from Anthony Bernacchia, who is the interested party in the case.

The beneficiary, Laura Ann Aylott, a British subject and a native of India, was born on April 16, 1946. She resides in Munich, Germany, with the interested party and his wife, Zena Kathleen Bernacchia, who is the beneficiary's half sister. Miss Aylott has no income or assets of her own, and is supported by Mr. and Mrs. Bernacchia, her legal guardians. The beneficiary's father was last known to have been living in India in 1949. Her only other close relatives are her mother and a half brother who are British subjects and residents of New Zealand.

Mr. Anthony Bernacchia is a 33-year-old native-born citizen of the United States. He served honorably in the United States Army Air Corps from October 7, 1942, until November 8, 1945. He and Mrs. Bernacchia, nee Primrose, a British subject, were married in Calcutta, India, on July 24, 1952. Three children, all United States citizens, were born of this marriage. He is district traffic and sales manager for the Pan American World Airways in Munich, Germany, and receives a salary of $7,740 per annum with additional allowances totaling about $1,900. His assets amount to about $13,000 in the aggregate.

Mr. Bernacchia has indicated that he and his wife will take steps to adopt the beneficiary legally if and when she is admitted to the United States.

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DEPARTMENT OF STATE,
Washington, D. C., March 30, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 13, 1956, requesting a report of the facts in the case of Laura Ann Aylott, the beneficiary of H. R. 5076 which was introduced by Mr. Gwinn on March 18, 1956.

The files of the Department contain a report from the American consulate general at Munich dated March 9, 1956, containing the following information:

"Miss Aylott, who is the beneficiary of H. R. 5076 introduced by Congressman Ralph Gwinn, is an applicant at this consulate general for an immigrant visa under the nonpreference portion of the quota for India with a registration date of June 20, 1955. Miss Aylott was born in Bombay, India, on February 16, 1946. Her mother was born in India and her father in England. Since the quota to which she is chargeable is heavily oversubscribed, a waiting period of perhaps many years must be expected before active consideration can be given to Miss Aylott's case.

"Mr. Anthony Bernacchia, the Munich representative of the Pan American World Airways, with whom she is now living, has in a letter dated June 16, 1955, informed this office that he has provided the sole support for Miss Aylott since May 1953, her parents having been separated, her father returning to England and her mother having joined another child in New Zealand. Miss Aylott is the half sister of Mr. Bernacchia's wife.

"Mr. Bernacchia has stated that since he is not a British subject, British law will not permit his adoption of Miss Aylott. However, upon the admission of Miss Aylott into the United States, it is intended that he and his wife will adopt her there."

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 10, 1956.

Mr. WALTER M. BESTERMAN,
Legislative Assistant,
House Committee on the Judiciary,
Subcommittee No. 1,
Washington, D. C.

DEAR MR. BESTERMAN: On March 18, 1955, I introduced H. R. 5076 for the relief of Laura Ann Aylott. Will you please let me know the next step to be taken in the consideration of this bill. Enclosed are letters from my constituent, A. Bernacchia, setting forth the reasons for the introduction of the legislation.

Sincerely yours,

RALPH W. GWINN.

A. BERNACCHIA, CARE OF
PAN AMERICAN WORLD AIRWAYS SYSTEM,
Munich, Germany, March 9, 1955.

Hon. RALPH W. GWINN,
Member of Congress, 27th District,
Old House Office Building, Washington, D. C.

HONORABLE SIR: Thank you for your letter of March 3, in reply to my request that you sponsor a private bill for the relief of Miss Laura Ann Aylott, age 9 years.

Laura was born February 16, 1946, in Bombay, India, the daughter of Eileen Barbara and Leonard Stanley Aylott. Mrs. Eileen Aylott is the mother of my wife Zena Bernacchia nee Primrose, who divorced Charles Spencer Primrose, father of my wife, to marry Leonard Aylott. Therefore Laura is my wife's half sister.

In 1950 Leonard Aylott and Eileen Aylott separated, she returning to England with her two daughters, my wife and Laura. Since that time Leonard Aylott has failed to support his wife or child. I married my wife in 1952. In May 1953 we brought Laura over to Munich to live with us. Since that time I have been her sole support. Mrs. Aylott will leave England sometime this year to take up residence with her son (my wife's brother) who lives in New Zealand.

My wife and I have made tentative inquiries in England, through solicitors, and here in Munich, through the British consulate, with regard to formally adopting Laura. We have been told that as I am an American, and my wife being married to someone other than a British subject, it is impossible for us to adopt a British child.

We would have written to request you to introduce a special bill, after the adoption, however, we must request you to introduce a private bill prior to adoption, with our assurance, here in writing, that we shall complete the necessary legal formalities for her adoption as soon after our arrival in United States (latter 1956) as humanly possible.

I therefore appeal to you to introduce the requested private bill, for the relief of Miss Laura Ann Aylott.

Thanking you in advance for your trouble, I remain,

Respectfully yours,

A. BERNACCHIA,
District Traffic Sales Manager.

P. S.—My wife is entitled to a nonpreference quota immigration visa, which we shall obtain prior to our returning to the United States next year.

A. BERNACCHIA.

A. BERNACCHIA,
PAN AMERICAN WORLD AIRWAYS SYSTEM,
Munich, Germany, January 18, 1955.

Hon. RALPH W. GWINN,
Member of Congress, 27th District,
House of Representatives, Washington, D. C.

HONORABLE SIR: This letter is to request you to sponsor a private bill in Congress for the relief of Miss Laura Ann Aylott (age 9 years).

I am married to a British subject and Miss Laura Ann Aylott is half sister to my wife. Miss Aylott was born in Bombay, India, on

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February 16, 1946, the daughter of my wife's mother (and her second husband).

Since May 1953 my wife and I have had Laura living with us as our own child. British law prevents us from adopting her. An American is not permitted to adopt a British child.

As we intend to formally adopt her, she would be entitled to fourth preference status. However, no fourth preference status is available under the Indian quota, and in view of the small quota allotted to India, none is likely to exist for an extremely long time.

Therefore, I appeal to you to sponsor a private bill to waive section 202 (a) (4) of Public Law 414, for the relief of Miss Laura Ann Aylott to permit her immigration to the United States.

Should a private law be approved then her visa application shall be submitted through the American consulate in Munich, Germany. My personal background: I was born a United States citizen on July 15, 1923 in Stratford, Conn. From the age of 5 years I resided with my parents in Yonkers, N. Y. Since 1946 I have been employed by Pan American World Airways, and I am presently employed by Pan American World Airways in Munich, Germany. Most of my time with PAA has been spent on foreign assignment.

Please accept my sincerest thanks, in advance, for your attention to this request.

Very truly yours,

A. BERNACCHIA.

Teresa Benevento Nasci—H. R. 8007, by Mr. Bow

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE.
Washington, D. C., May 2, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8007) for the relief of Teresa Benevento Nasci, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cleveland, Ohio, office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of Mr. and Mrs. Bernardino Nasci, citizens of the United States.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE TERESA BENEVENTO NASCI, BENEFICIARY OF H. R. 8007

Information concerning this case was obtained from the beneficiary's foster parents, Mr. and Mrs. Bernardino Nasci.

The beneficiary, Teresa Benevento Nasci, a 12-year-old child, is a native and citizen of Italy. She resides in Tricarico, Italy, with her

natural parents, Paola and Marie Benevento, who have 7 other children. According to Mr. and Mrs. Nasci, the beneficiary was adopted by them in an Italian court on August 10, 1953. Mrs. Nasci is a cousin of the beneficiary's natural father.

Mr. and Mrs. Bernardino Nasci are both natives of Italy and naturalized citizens of the United States, ages 60 and 50, respectively. They reside in Alliance, Ohio, where both are employed. Mr. Nasci receives wages amounting ot $100 a week and his wife earns about $42 a week. They own real estate and property valued at $20,000 and have savings of $12,000. Mr. Nasci served in the Italian Army from 1916 until 1920.

DEPARTMENT OF STATE,
Washington, February 28, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 12, 1956 requesting a report of the facts in the case of Teresa Benevento Nasci, the beneficiary of H. R. 8007 which was introduced by Mr. Bow on January 3, 1956.

The files of the Department contain a report dated February 9, 1956 from the consul general at Naples, Italy containing the following information.

"Teresa Benevento Nasci is the beneficiary of an approved fourth preference petition (VP-07-9810) executed by Bernardino Nasci. Her name is registered on the appropriate Italian quota waiting list with priority of May 13, 1954, the date the petition was filed. DSR-11 forms were also forwarded by Mr. Nasci on her behalf but did not apply, because it appeared her case could not be reached for consideration under section 4 (a) (6) of the Refugee Relief Act of 1953, as amended. There are also on file in the applicant's dossier adoptive papers received from the civil department in the Appellate Court of Potenza, Italy."

Owing to the oversubscribed condition of the Italian quota considerable time is likely to elapse before a person entitled to fourth preference status under that quota with a priority date of Teresa B. Nasci is likely to be reached for consideration.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Pasquale Pavone Benedetto—H. R. 8019, by Mr. Derounian

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 28, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: On January 3, of this year, I introduced a private bill on behalf of Pasquale Pavone Benedetto, H. R. 8019. The requested departmental reports have been received and the file on this bill is now complete.

I believe this to be an urgent case. It concerns a young boy adopted by an American couple who lost their own child. Adoption

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proceedings, begun 4 years ago, were finally completed in 1954, and an application made for an immigrant visa with fourth preference. Pasquale's registration date is January 11, 1955, and, as you know, this means a wait from anywhere from 5 to 10 years before the Benedetto's can hope to have their adopted son. It is of utmost importance that this young boy, now in his teens, be brought to this country as soon as possible, while his character may still be molded in the American tradition.

May I not ask, therefore, that a date be set for a hearing by your committee? I shall be most appreciative of your early consideration.

Sincerely yours,

STEVEN B. DEROUNIAN.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 7, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8019) for the relief of Pasquale Pavone Benedetto, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota for Italy.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PASQUALE PAVONE BENEDETTO, BENEFICIARY OF H. R. 8019

Information concerning the beneficiary was furnished by Mr. and Mrs. Michael Benedetto, his adoptive parents who are the sponsors.

The beneficiary, Pasquale Pavone Benedetto, is a native, citizen, and resident of Italy who was born on August 3, 1939. He has never been in the United States. He was adopted in an Italian court on April 26, 1955, by Mr. and Mrs. Michael Benedetto. His parents are unknown and he has spent most of his life in an orphanage. He presently resides in Bari, Italy, where he is a student at the Institute of Vittorio Emanuele II.

The sponsors reside in their own home in Elmont, Long Island, N. Y. Mr. Benedetto was born in New York City on July 7, 1913. His wife, Stella Benedetto nee Prisciantelli, was born in New York City on September 4, 1912. They were married on May 13, 1934, in New York City. Their only child of this union died in 1946. Mr.

Benedetto is employed as a waiter in a restaurant in Roslyn, Long Island, N. Y., and his earnings average $100 per week. The sponsors contribute about $15 per week toward support of the beneficiary. Their assets consist of $1,000 in a savings account, a 1-family house valued at $9,000, a 1954 automobile worth $2,500 and personal property valued at approximately $3,000.

DEPARTMENT OF STATE,
Washington, February 24, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 12, 1956, requesting a report of the facts in the case of Pasquale Pavone Benedetto, the beneficiary of H. R. 8019 which was introduced by Mr. Derounian on January 3, 1956.

The Department's files contain a report dated February 9, 1956, from the Consul General at Naples, Italy, containing the following information.

"An approved fourth preference petition (VP 3-70799) executed by Michael Benedetto is on file in favor of his adopted son, the subject applicant, Pasquale Pavone. His name is registered on this Consulate General's fourth preference waiting list with priority of January 11, 1955, the date the petition was filed.

"Previously, Mr. Pavone was chargeable to the Italian nonpreference quota, but had not been registered on this Consulate General's waiting list, inasmuch as he had not obtained the required emigration permission from the Italian Government.

"No further information is pertinent in the applicant's case, since no action has been possible under the priority date of his fourth preference petition."

Owing to the oversubscribed condition of the Italian quota considerable time is likely to elapse before a person entitled to fourth preference status under the quota with a priority date of Pasquale P. Benedetto is likely to be reached for consideration.

Sincerely yours,

ROLAND WELCH,
Director, Visa Office.

Maria Bayeorgos—H. R. 8057, by Mr. McDonough

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 4, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8057) for the relief of Maria Bayeorgos, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary

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by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota for Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA BAYEORGOS, BENEFICIARY OF H. R. 8057

Information concerning the case was obtained from Mr. John Kelly, Mr. Paul Casacky, and Mrs. Catherine George. Mr. Kelly is a friend of the adoptive parents of the beneficiary. Mr. Casacky and Mrs. George are relatives of the same couple.

Maria Bayeorgos, a native and citizen of Greece, who is unmarried, was born on April 20, 1937. She was adopted in Patras, Greece, on May 31, 1955, by her paternal uncle and his wife, Mr. and Mrs. Andrew Bayergos. She lives with her adoptive parents at No. 84, Harilou Trikoupe, Athens, Greece. Her natural parents, 2 brothers and 3 sisters live at Paleochorion, Macrynia, Greece.

The adoptive parents, Mr. and Mrs. Andrew Bayeorgos, are natives of Greece and naturalized citizens of the United States. They were married in Paris, France, in 1932 and have no children. They have been visiting in Greece since March 1954 and expect to return to the United States in October 1956. Mr. Bayeorgos, now 64 years of age, has been a resident of the United States since 1906. Formerly a cook, he became a restaurant owner, which he operated in California until March 1954. He owns assets valued at approximately $20,000, which include an equity in a home in Los Angeles, Calif., and bank deposits. An honorably discharged veteran of World War I, he receives a pension of $175 monthly because of a disability incurred during his military service.

Mr. J. Norman Kelly, the interested party, is the manager of the American Legion Patriotic Hall at 1816 South Figueroa Street, Los Angeles, Calif. He has been employed at that position since 1939 and receives a monthly salary of $797. He owns assets valued at $11,000, which include bank deposits, home furnishings, personal effects, and an equity in his home. Mr. Kelly served honorably in the United States Army as a commissioned officer from June 2, 1942, to June 10, 1946. He lives with his wife and four minor children at 2557 Evelyn Street, Montrose, Calif.

DEPARTMENT OF STATE,
Washington, April 4, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to the Department's letter of February 24, 1956, requesting a report of available information relating to

Maria Bayeorgos, the beneficiary of H. R. 8057 which was introduced by Mr. McDonough on January 3, 1956.

As the Department was informed that Miss Bayeorgos was residing in Greece, the Embassy at Athens was requested to furnish any available information relating to her. A report dated March 15, 1956, has been received from the Embassy stating that Miss Bayeorgos, who was born on April 20, 1937, in Paleohorion Messologiou, Greece, and is the adopted daughter of Andrew Nicholas Bayeorgos, is entitled to fourth preference immigrant status under the Greek quota on the basis of an approved petition by Mr. Bayeorgos with the Department of Justice. The report states that it has not been possible to consider Miss Bayeorgos' case under the Refugee Relief Act because of her late registration priority date of October 10, 1955. Owing to the oversubscribed condition of the Greek quota Miss Bayeorgos will encounter an indefinite waiting time before her turn may be reached for consideration as an applicant for a fourth preference immigrant visa.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Spyridon Todoulos and Kalliroi Todoulos—H. R. 8411, by Mr. Bartlett

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 21, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8411) for the relief of Spiridon Todoulos and Kalliroi Todoulou, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Anchorage, Alaska, office of this Service, which has custody of those files. According to the records of this Service, the correct name of the first beneficiary is Spyridon Todoulos.

The bill is intended to confer nonquota status upon the alien children pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act by providing that the children shall be considered to be the natural-born alien children of a United States citizen.

As quota immigrants the children would be chargeable to the quota for Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SPIRIDON TODOULOS AND KALLIROI TODOULOU, BENEFICIARIES OF H. R. 8411

Information concerning this case was obtained from Miss Susan Metzger Kennedy, the adoptive parent of the beneficiaries.

Spiridon Todoulos, whose correct name is Spyridon Todoulos, was born in Greece on January 24, 1941. Kalliroi Todoulou was born in 1940 in Greece. Neither beneficiary has ever been in the United

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States. They were formally adopted in Greece on October 18, 1955, by Miss Susan Metzger Kennedy. Both beneficiaries are citizens and residents of Greece. They are the children of Demetrious Todoulos, a triple amputee, and his deceased wife, Hariclia. The father resides in Greece and agreed to the adoption.

Miss Susan Metzger Kennedy is a United States citizen and resides in Juneau, Alaska. She was born in Norwood, Pa., on October 26, 1904. She has never been married. Miss Kennedy stated that she is employed as executive secretary of the Fisherman's Fund at a salary of $475 a month. She receives about $420 a year in income from interest and also earns about $4,000. She has further assets in the form of loans amounting to $9,000, including a $7,000 mortgage loan. She also has a small savings account, and furniture and personal possessions valued at $5,000. Miss Kennedy has contributed approximately $4,000 toward the support of her adopted son and daughter since 1949 and regularly sends them food and clothing. She supports her mother and contributes $15 monthly toward the support of each of three other children in Europe.

DEPARTMENT OF STATE,
Washington, May 4, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 24, 1956, requesting a report of the facts in the cases of Spiridon Todoulos and Kalliroi Todoulou, the beneficiaries of House Resolution 8411, which was introduced by Mr. Bartlett on January 12, 1956.

The Department has received a report dated April 13, 1956, enclosing for the information of the Committee on the Judiciary a copy of a letter dated April 5, 1956, from the Foster Parents Plan for War Children, Inc., which contains information regarding Spiridon and Kalliroi Todoulos, who have been adopted by Miss Sue M. Kennedy. Two copies of the letter referred to are enclosed.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

FOSTER PARENTS' PLAN FOR WAR CHILDREN, INC.,
GREEK HEADQUARTERS,
Athens, April 5, 1956.

Mr. V. HARWOOD BLOCKER,
American Consul General,
American Embassy, Consular Section,
Athens, Greece.

DEAR MR. BLOCKER: This refers to your letter of March 29 requesting certain information about Spyridon and Kalliroi Todoulos, who have been adopted by Miss Sue M. Kennedy, of Juneau, Alaska.

Kalliroi and Spyridon are 2 of the 4 children of Dimitrios Todoulos and the late Chariklia Todoulos, nee Venetikou. Their mother was killed in 1948 by the rebels. Their father is alive but does not reside with the children. He has no permanent address. He is an unskilled manual laborer who works wherever he can find a job. His earnings

are just enough for his own keep and he is not able to support his children. In order to work, he travels from place to place—tending sheep here, working in the fields there. He cannot take his children with him because he cannot provide any house for them.

The children were born in Pramanta, a village of Epirus, which was later destroyed by the rebels. Upon this destruction, the family fled to Yannina where they have been living since. Kalliroi and Spyridon now live with their grandmother, aunt, brother, sister, brother-in-law and nephew in a barrack belonging to the Ministry of Welfare. This barrack is in bad condition; the roof is made of tar-paper through which the rain leaks. Excluding plan help, the income of the family consists of the earnings of the brother-in-law which are approximately $30 a month. In addition, Kalliroi and Spyridon work during the summer as field laborers earning as much as they can in order to supplement the family's income. In fact, the children are considered absolute indigents as indicated by their indigency papers. Therefore, Kalliroi and Spyridon have been regularly supported through the plan for the past 6 years.

Miss Kennedy came to know of the children through the Foster Parents' Plan. In January of 1950 she began to help Spyridon through the plan. She has continued to help him over the past 6 years. Her help has consisted of a monthly cash contribution of $15 toward his support in addition to periodic extra gifts of cash and relief packages. (Kalliroi has similarly been supported since 1950 by another foster parent). During this period, Miss Kennedy has been corresponding at least once a month with Spyridon. On May 17, 1954, moreover, Miss Kennedy came to Greece and visited the family in Yannina. She then brought Spyridon to Athens where he spent a few days with her. During her visit to Yannina, Miss Kennedy met Kalliroi, as well as Spyridon and the other members of the family.

Actually, as far back as 1952, Miss Kennedy expressed the desire to adopt the children. We advised her at that time that the Greek quota was so oversubscribed that admission to Alaska was not possible. In May of 1954, during her visit here, Miss Kennedy and I conferred personally with Mr. Deyman of your office who advised Miss Kennedy that, under the new immigration law, adoption of the children and their subsequent admission to Alaska was feasible. Miss Kennedy thereupon, requested me to go ahead with the adoption of Kalliroi and Spyridon.

The children were adopted by proxy. However, Miss Kennedy confirmed the adoption by affidavit executed by her in person before the Greek consulate at San Francisco, Calif. This confirmation was accepted by the Athens Court of First Instance, and the adoption decree issued. (No. 13655, October 20, 1955.) You may wish to know that Miss Kennedy was willing to come to Greece to be present at the adoption; however, in view of the fact that the Greek court did not deem it necessary, she did not appear in person.

I sincerely hope that Kalliroi and Spyridon can join their foster mother soon. Despite the help they are receiving from the States, the children are living under miserable conditions. Miss Kennedy can offer them the happiness and security which they have not truly known. She is really a wonderful person and will be, I am most certain, an excellent mother to them.

If I can be of any further assistance, please don't hesitate to contact me. While the Foster Parents' Plan is not an adoption agency, but

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is an organization which helps needy children in their own countries, I sincerely believe that Kalliroi and Spyridon will live a more normal and happy life with Miss Kennedy, and I am willing to assist her in any way possible to take her children to Alaska.

Sincerely yours,

Mrs. ISMENE M. KALARIS,
Director in Greece.

GEIST & NETTER,
New York, N. Y., February 6, 1956.

Hon. EMANUEL CELLER,
Chairman, Judiciary Committee,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have been informed that H. R. 8411 has been referred to your committee for consideration. In reference to it, you have received a letter from Miss Sue M. Kennedy, of Juneau, Alaska. The bill was introduced by Hon. E. L. Bartlett, Alaska's Delegate to the House of Representatives. The bill permits the entrance to the United States of Spiridon Todulos and Kalliroi Todoulou, minors living in Greece who have already been legally adopted in the Court of First Instance of Athens by decree of adoption dated October 18, 1955, No. 13.653. The foster parent is Sue M. Kennedy.

This is an unusual case and is decidedly meritorious. Miss Kennedy has been moved solely by humanitarian motives and by an unconquerable desire to do her utmost for these two children. In order to obtain the necessary funds to carry out the obligations she assumed as a foster parent, she has been very active in regular employment and has taken on extracurricula work in the nature of stenographic and typographical services, for which she receives, as I understand it, about $5 per hour. She is a woman of high character and lofty ideals. Her father was a cousin of John W. Davis; her family background is acceptable in great degree.

I have known Miss Kennedy, I would say, for more than 35 years. I also knew her father. I was a very close friend and attorney of her aunt, a Mrs. Annie Stevens, for many years. Thus, in giving you this résumé, I speak from intimate knowledge.

The important point of this legislation is the welfare of the two children. I am confident to the last degree that Miss Kennedy, in rearing these children, will accomplish the most desirable result. They will prove to be an invaluable asset to the community in which they will live and an asset as well to the Nation.

I shall be glad to furnish you with any other information you desire. All that I can say in conclusion is that I unhesitatingly and unqualifiedly sponsor this legislation in behalf of Miss Kennedy.

With warmest regards, believe me, yours always,

Sincerely,

A. JOSEPH GEIST.

Anna Chiodi—H. R. 8418, by Mr. Delaney

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 17, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8418) for the relief of Anna Chiodi, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would confer noquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota for Italy.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANNA CHIODI, BENEFICIARY OF H. R. 8418

Information concerning the case was obtained from Mr. and Mrs. Frank Pecoraro, uncle and aunt of the beneficiary.

Anna Chiodi is a 14-year-old child, a native, citizen, and resident of Italy, who was born on July 21, 1941. She has never been in the United States. The child has been residing with her grandparents since infancy and continues to reside with her grandmother, who is now 82 years of age. The father, who is retired, receives a pension of the equivalent of $16 per month and some assistance from relatives toward support of his wife and 5 other children.

Mr. and Mrs. Pecoraro are United States citizens and reside in Bayside, Long Island, N. Y. They were born in Italy on July 2, 1893, and July 12, 1902, respectively. They were married in New York City on April 30, 1938. They have testified that this is their only marriage and that they have never had any children of their own. Mr. Pecoraro stated that he is self-employed and earns $125 average per week. Mrs. Pecoraro is a housewife. They own their house valued at $25,000, free of any encumbrances. Their further assets consist of an automobile worth about $2,500, furnishings valued at $4,000, and about $25,000 in cash and bonds. They contribute about $15 a week toward the support and maintenance of the beneficiary, whom they desire to adopt.

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DEPARTMENT OF STATE,
Washington, June 25, 1956.

Hon. EMANUEL Celler,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 27, 1956, requesting a report of the facts in the case of Anna Chiodi, the beneficiary of H. R. 8418 which was introduced by Mr. Delaney on January 12, 1956.

The files of the Department contain a report dated April 11, 1956, from the consulate general at Naples, Italy, indicating that an application for a visa has not as yet been filed by or on behalf of Anna Chiodi. There is no reason to believe, however, that she would be ineligible to receive a visa when it should beome possible to give consideration to her application for a quota immigrant visa. Owing to the oversubscribed condition of the Italian quota, however, it is likely that she would encounter a delay of indefinite duration before it would be possible to consider her visa application.

In the event that the proposed legislation should be enacted, it would be possible for the consul to give prompt consideration to the case of Anna Chiodi upon the approval by the Attorney General of a petition filed on her behalf by Mr. or Mrs. Frank Pecoraro to obtain nonquota status for her.

The Department of State has no objection to the proposed legislation.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Emma Brajuha—H. R. 8433, by Mr. Klein

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 4, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8433) for the relief of Emma Brajuha, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota for Yugoslavia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EMMA BRAJUHA, BENEFICIARY OF H. R. 8433

Information concerning the case was obtained from Mr. and Mrs. Joseph Walkovich, sponsors and uncle and aunt respectively of the beneficiary.

Emma Brajuha is a native, citizen, and resident of Yugoslavia, who was born February 11, 1939. She has never been in the United States. She resides with her parents, Joseph and Josephine Brajuha, in Yugoslavia. Two brothers and three sisters reside in Yugoslavia and another brother resides in Italy.

Mr. and Mrs. Joseph Walkovich are United States citizens by naturalization and reside in New York City. They were married on May 10, 1920, in Yugoslavia. Their only child, Joseph Walkovich Jr., was killed while serving in the United States Army during World War II. Mr. Walkovich has been employed as an elevator operator and night watchman since 1938 and earns $3,700 per year. Their assets consist of $9,000 in cash in a savings bank and personal belongings and furnishings valued at $500.

Mr. and Mrs. Walkovich stated that they desire to bring their niece to the United States to substitute for the loss of their son while serving in the United States Army.

DEPARTMENT OF STATE,
Washington, April 24, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 24, 1956, requesting a report of the facts in the case of Emma Brajuha, the beneficiary of H. R. 8433 which was introduced by Mr. Klein on January 12, 1956.

The files of the Department contain a report dated April 4, 1956, from the Embassy at Belgrade containing the following information regarding Emma Brajuha.

"Miss Brajuha was born February 11, 1939, at Gradina, Istra, Croatia, Yugoslavia. Her parents are poor and their arms are somewhat paralyzed (apparently rheumatism). They reside with a younger brother on their small farm. Miss Brajuha's other six brothers and sisters are either married or work away from home. She resides with a sister in Rijeka and works for a neighboring doctor as a housemaid. She earns 2,000 dinars (official rate, $6.66) a month, of which she sends from 500 to 1,000 dinars to her parents.

"Miss Brajuha wishes to go to the United States where she hopes to improve her lot. Her aunt and uncle, Mr. and Mrs. Joseph Walkovich, have offered to adopt her and to send her to school to become a dressmaker. Her parents are quite willing to have her immigrate into the United States."

Owing to the heavily oversubscribed condition of the Yugoslav quota Emma Brajuha would encounter an indeterminate wait before

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her turn could be reached to apply for a nonpreference immigrant visa under the quota.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 7, 1956.

Re H. R. 8433, for the relief of Emma Brajuha.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: In connection with the above captioned measure, I submit herewith for the use of the committee a birth certificate of Emma Brajuha and the adoption certificate made by competent Yugoslav authority showing that she has been lawfully adopted under the laws of Yugoslavia as the child of Joseph Walkovich.

With kind regards, I am

Sincerely yours,

ARTHUR G. KLEIN, *Member of Congress.*

STATEMENT

Made with the health and social welfare section of the P. C. Commune of "Stari Grad" at Rijeka on 27.1. 1956. in the matter of adoption of Ema Brajuha by Joseph Valkovich.

Present: For the office:

BRANKA VUČETIĆ,
Legal Referee.
JELENA HRŽIĆ,
Clerk.

For the parties:

Prof. IVAN SVEŠKO,
Attorney for the adopter; and
EMA BRAJUHA,
Adoptee.

It is ascertained that all those summoned to appear are present. the adoptee's parents are not present but there is their statement enclosed to the application made at Gradinje; Cerovlje authenticated by the P. C. Commune of Pazin. The adopter is also not present due to his residing in New York, United States of America, since 1921 but there is enclosed his statement to the application for adoption made before a notary public of the State of New York authenticated by the consulate general of Federal People's Republic of Yugoslavia in New York.

After making those present acquainted with the matter to be dealt with, the application for adoption was read through. It reads:

"The undersigned, Joseph Valkovich, 54 years old, native from Paz, District of Pazin, Yugoslavia, presently residing in New York, 236 West 16th Street, New York, N. Y., is petitioning the above office to permit him to adopt his niece Ema Brajuha; daughter of Joseph Brajuha and Josephine nee Zovic, born on February 11, 1939,

at Paz, District of Pazin, presently residing at Rijeka, Pulska ul. No. 4, motivating his application as follows:

"My wife's brother Joseph Brajuha has a large family consisting of his wife and eight children and it is difficult to him for maintain such a large family. Whereas I and my wife have no children and in addition we are well off and in the position to adopt the above said Ema Brajuha and as such to maintain and support her."

The above statement being not complete the applicant is requested to complete it concerning the future surname of the adoptee and her right to inheritance.

Thereupon the attorney deposes as follows:

"I, Prof. Ivan Sveško, on the basis of the power of attorney granted by the adopter Joseph Valkovich depose and say that he agrees that the adoptee takes his surname to wit: Walkovich and transfer entirely and to full extent the inheritance right without limitation as if she were his in legitimate wedlock born child."

Further the official reads the statement made at Cerovlje Gradinje on October 12, 1955, by the parents of Ema Brajuha, minor from which appears that they agree that their daughter, Ema Brajuha, is adopted by her uncle Joseph Valkovich.

In view that the above said minor has completed 16 years of age and under the law provisions in vigour she is called to make her statement. Thereupon she deposes:

"I, Ema Brajuha, daughter of Joseph and Josephine nee Zovic born on February 11, 1939, at Paz, District of Pazin hereby depose that I fully agree to the above said adoption."

Thereupon the Adoption Act provisions of 14.1947 concerning rights and duties of adopter and adoptee are read to the present.

Examining the acts it is established that the adoptee is minor, the adopter older than the adoptee more than 18 years, the adoptee's parents as well as the adoptee consent to the adoption. Accordingly there is no circumstance which might be impediment to adoption under the above said act. Accordingly all the legal conditions requested and prescribed by the act are complied with.

The present parties making no remarks it is ascertained that the adoption has been concluded.

VUCETIC.
HRZICA.
Prof. IVAN SVESKO.
EMA BRAJUHA.

This statement is made with the health and social welfare section of the P. C. Commune Stari Grad at Rijeka on January 27, 1956.

The legal referee:

[SEAL] (Signed) BLANKA VUCETIC.

No. /56

I, Prof. Ivan Svesko, court interpreter sworn to for English, French, Italian and Spanish language, appointed by decree of the Ministry of Justice of P. R. of Croatia at Zagreb No. Org. 63/49 dated 11. VIII. 1949. do hereby certify that the above translation is entirely true to its original in Croatian language.

Rijeka, the 27th January 1956.

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FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA,
People's Republic of Croatia, City of Zagreb,
Consulate of the United States of America, ss:

I, Peter F. Warker, Jr., vice consul of the United States of America, in and for the consular district of Zagreb, Yugoslavia, duly commissioned and qualified, do hereby certify that Prof. Ivan Svesko, who signed the foregoing certificate, was on the day he signed the certificate a permanent translator of the English language at the county court of Rijeka, Yugoslavia. In witness whereof, I have hereunto subscribed my official signature and affixed the seal of the consulate of the United States of America at Zagreb, Yugoslavia, this 31st day of January 1956.

[SEAL] PETER F. WARKER, Jr.,
Vice Consul of the United States of America.

Service No. 51
Tariff Item No. 24
Fee Paid US$2.00
Local CY equivalent 1,200 dinars.

Lolita O. Eccles—H. R. 8516, by Mr. Hinshaw

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 15, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8516) for the relief of Lolita O. Eccles, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant, the child would be chargeable to the quota for the Philippines.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LOLITA O. ECCLES, BENEFICIARY OF H. R. 8516

Lolita O. Eccles, a citizen of the Philippines who has never been in the United States, was born on April 30, 1942, in Tangalan, Capiz, Philippine Islands. She is single and is a student in grade school. She has no income nor assets. She resides with her mother and adoptive father at Clark Air Force Base in the Philippines. A second cousin lives in the United States.

Redward Milne Eccles, the beneficiary's adoptive father, a native of Canada and naturalized citizen of the United States, was born on June 7, 1912. He was married to Virginia O. Oreta, the beneficiary's mother, on September 25, 1950, in Manila, Philippine Islands. His prior marriage to Julia Gowen was terminated by divorce on September 3, 1948. A member of the United States Air Force since July 28, 1940, he is now a staff sergeant and earns $3,500 annually. Sergeant Eccles completed high school, attended Pasadena Junior College in California, and attended a trade school where he learned the printing business. His father is deceased. His mother lives in Canada, and his brother, who is a member of the United States Marine Corps, lives in Los Angeles, Calif.

Virginia O. Eccles, nee Ibabao, a native of the Philippines and naturalized citizen of the United States, was born on January 28, 1923. She was adopted and raised in the Philippines by her aunt, Florence Oreta. She is not employed, other than as a housewife. Mrs. Eccles attended both grammar and high schools in the Philippines and also took business courses for a short time at a high school in San Francisco, Calif. She came to the United States in October 1951 and returned to the Philippines to rejoin her husband in February 1955. Her mother is deceased. Her father and a cousin live in the United States. Her aunt resides in the Philippines.

Sergeant Eccles was on Luzon in the Philippines during World War II when the Japanese conquered that country. He was taken prisoner and after surviving a death march, was held in enemy concentration camps until the liberation of the Philippines.

DEPARTMENT OF STATE,
Washington, May 4, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 17, 1956, requesting a report of the facts in the case of Lolita O. Eccles, the beneficiary of H. R. 8516 which was introduced by Mr. Hinshaw on January 16, 1956.

The files of the Department contain a report dated April 12, 1956, from the Embassy at Manila indicating that Lolita O. Eccles, the child of Virginia O. Eccles who married Redward M. Eccles, an American citizen, on September 25, 1950, was adopted by Mr. Eccles before a Philippine court on July 28, 1951. Mrs. Eccles filed a visa petition with the Immigration and Naturalization Service on February 1, 1954, to provide fourth preference status for the child under the Philippine quota. Owing to the oversubscribed condition of the Philippine quota Lolita will face an indefinite wait before her turn will be reached to apply for a fourth preference immigrant visa under the quota.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

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HOUSE OF REPRESENTATIVES,
Washington, D. C., June 7, 1956.

Re H. R. 8516 for the relief of Lolita O. Eccles.

Hon. EMANUEL CELLER,
Chairman, House Committee on the Judiciary,
Old House Office Building.

MY DEAR MR. CHAIRMAN: I would appreciate it very much if the above-mentioned bill introduced by me could be docketed for consideration.

S. Sgt. Redward M. Eccles, the adoptive father, of Lolita O. Eccles, has served his country without a blemish on his record since 1940. He was captured at Bataan and was a prisoner of war of the Japanese for more than 3 years. He has now been rotated back to this country from the Philippines to serve at Westover Field, Mass.

Due to the immigration status of his adopted daughter, it was necessary for him to leave his wife in the Philippines to look after their daughter's welfare when his orders came through, thus separating him from his family and creating a financial problem.

The child in question has been on the waiting list of immigrants since December 14, 1950, and as this quota is heavily oversubscribed, she may reasonably expect to wait many more years before her turn is reached.

I am enclosing herewith copies of documents and statements containing information pertinent to the bill for your reference.

Anything that can be done to facilitate action on this bill before the adjournment of the Congress will be deeply appreciated.

Sincerely yours,

CARL HINSHAW,
Member of Congress.

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

AMERICAN EMBASSY,
CONSULAR SECTION,
Manila, February 1, 1956.

S/Sgt. R. M. ECCLES, AF19030175,
Headquarters Squadron,
6200th Air Base Wing, APO 74.

DEAR SERGEANT ECCLES: I refer to your verbal request for a statement concerning the present status of the immigrant visa application of your adopted daughter, Lolita O. Eccles, under the fourth preference portion of the Philippine quota.

Lolita is currently registered on the Philippine immigrant quota waiting list as of December 14, 1950, the date her application for registration was received in this office. She was granted fourth preference quota immigrant status by approved visa petition VP13–8673, filed in her behalf by her mother, Virginia O. Eccles.

As the Philippine quota is heavily oversubscribed in the first three preference categories no quota number is expected to be available for Lolita's use in the near future. She may reasonably expect to wait many years before her turn is reached on the waiting list.

Very truly yours,

T. J. DUNNIGAN,
American Consul.

CERTIFICATE

HEADQUARTERS,
UNITED STATES MILITARY PORT OF MANILA,
APO 928, February 6, 1956.

I hereby certify that I have known S. Sgt. and Mrs. Redward M. Eccles for the past 6 years. On the basis of my association with them, I rate their moral character and integrity to be above reproach. I also know that they are financially capable of adopting a child.

ROBERT C. GILBERT,
Staff Sergeant, AF15226075.

STATEMENT

To Whom It May Concern:

To the best of my knowledge and belief, S. Sgt. Redward M. Eccles, AF19030175 and his wife are both of the highest moral character and integrity. In my considered opinion they are extremely competent and well able to provide the necessary guidance and support to their child Lolita.

THOMAS J. JEFFREY,
1st Lieutenant, USAF, Commander, Headquarters Squadron Section, 6200th Air Base Wing, APO 74.

Hiroko Higasa Goss—H. R. 8715, by Mr. Hillings

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 8, 1956.

HON. EMANUEL CELLER:
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8715) for the relief of Hiroko Higasa Goss, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant the child would be chargeable to the quota for Japan.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HIROKO HIGASA GOSS, BENEFICIARY OF H. R. 8715

Information concerning the case was obtained from David Eugene Goss, the beneficiary's adoptive father.

Hiroko Higasa Goss, also known as Hiroko Higasa, a native and citizen of Japan, was born on September 6, 1943. She has never been in the United States. She was adopted in Yokohama, Japan, on January 17, 1955, by David Eugene Goss, a United States citizen. Mr. Goss testified that she was born as the result of an illicit relationship in Japan between his wife and Kazuma Eto, a native and citizen of Japan, and was their only child. The beneficiary lives with her maternal grandmother in Japan and is in her sixth year of elementary school. She has no assets and is completely dependent upon her adoptive father for support. Her natural father resides in Japan.

David Eugene Goss was born in Salamanca, N. Y., on January 17, 1933. He was married to Sadako Higasa, the beneficiary's mother, in Yokohama, Japan, on January 17, 1955. She has since been admitted to this country for permanent residence. No children have been born of that marriage. Mr. Goss and his wife live at 11526 Rosehedge Drive in Whittier, Calif. He is employed by a newspaper publishing company in Whittier as a district adviser to route carriers at a weekly salary of $20. He also works as a carrier for the Los Angeles Times newspaper and earns approximately $60 monthly. In addition, he receives a monthly allotment of $90 under the provisions of Public Law 550, the so-called Korean GI bill.

Mr. Goss, a high-school graduate, attended Whittier College in Whittier, Calif. for 1½ years. He is presently studying electrical engineering at the National Schools in Los Angeles, Calif. His assets consist of $650 in savings and an automobile valued at $250. Mr. Goss, who enlisted in the United States Army on February 25, 1952, and served in Korea and Japan, was honorably discharged on December 23, 1955, as a specialist second class.

DEPARTMENT OF STATE,
Washington, April 3, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 3, 1956, requesting a report of the facts in the case of Hiroko Higasa Goss, the beneficiary of H. R. 8715, introduced by Mr. Hillings on January 23, 1956.

The files of the Department contain a report dated March 16, 1956, from the Embassy at Tokyo indicating that Hiroko Higasa Goss was born on September 6, 1943, at Kyoto, Japan and was the illegitimate child of Sadako Higasa who married David Eugene Goss on January 17, 1955. The report indicates that the child does not qualify for consideration under the provisions of the Refugee Relief Act. Because of the oversubscribed condition of the Japanese quota the child

will encounter an indefinite wait before her turn could be reached for consideration as an applicant for a quota immigrant visa.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

AFFIDAVIT

JAPAN,
City of Yokohama,
American Consulate General, ss:

Before me, Marcia L. Martin, vice consul of the United States of America, in and for Yokohama, Japan, duly commissioned and qualified, personally appeared David Eugene Goss, who, being duly sworn, deposes and says:

That my full name is David Eugene Goss, and that I was born at Salamanca, New York, United States of America, on January 17, 1933;

That I am now living in Japan as a member of the United States Armed Forces; that my legal residence is at 11526 Rosehedge Drive, Whittier, Calif., United States of America;

That I was married on January 17, 1955, to Sadako Higasa, who was born at Otsu, Shiga-ken, Japan, on August 6, 1925;

That I am now and always have been a citizen of the United States of America and that my wife is now and always has been a citizen of Japan;

That I desire to adopt my wife's child, Hiroko Higasa, a Japanese national, and that I make this statement of my citizenship and intention to adopt under oath for presentation to the competent Japanese authorities in connection with the adoption proceedings.

And further affiant saith not.

DAVID E. GOSS.

Subscribed and sworn to before me this 17th day of February 1955.

MARCIA L. MARTIN,
Vice Consul of the United States of America in and for Yokohama, Japan.

AUGMENTATION, 4TH SIGNAL BATTALION CORPS,
FOURTH ARMY UNIT,
APO 14, September 21, 1955.

CERTIFICATE

I certify that the following information pertaining to SP2 David E. Goss is true and correct to the best of my knowledge:

Name of husband: SP2 David E. Goss.
Date of birth: January 17, 1933.
Place of birth: Salamanca, N. Y.
Present Address: Augmentation, 4th Signal Battalion Corps, Fourth Army Unit, APO 14.
Name of wife: Sadako H. Goss.
Date of birth: August 6, 1925.
Permanent residence: 728 Shimoyokogi, Fujio Otsu-shi Shigaken.

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Present address: 29 Nikenchaya, Haranomachi, Minaminome, Sendai Shi, Miyagi Ken.
Marital status: Married.
Date married: January 17, 1955.
Financial status: Base pay, $163.80; class Q allotment, $60.

W. B. CHAPIN,
CWO, USA,
Personnel Officer.

DEPARTMENT OF STATE,
Washington, September 7, 1955.

DAVID EUGENE GOSS,
4th Army Unit, APO 14,
San Francisco, Calif. (Army).

DEAR MR. GOSS: Reference is made to the assurances completed in behalf of Hiroko H. Goss, received August 22, 1955.

These assurances have been verified and forwarded to the American Embassy at Tokyo, Japan.

The Department's verification relates only to the authenticity and bona fides of the assurances. Verification does not, in any sense, constitute a certification that the alien is eligible to apply for or receive an immigrant visa under the provisions of the Refugee Relief Act of 1953, as amended, either as a refugee, expellee, escapee or orphan, or as a person entitled to one of the relative preference classifications specified therein.

The question of eligibility of an alien to apply for and receive a visa is the responsibility of the American consul. All inquiries should, therefore, be addressed to him as he has authority under the act for the acceptance and approval of verified assurances, and for the subsequent issuance of visas to visa applicants. It is suggested that no such inquiries be made before the lapse of at least 1 month from the date of this communication, since the preliminary processing of verified assurances may be expected to require not less than that period of time.

You are assured that the American consul will accord to your assurances the most expeditious treatment possible, and to the alien sponsored the fullest consideration of his visa application consistent with the laws and regulations governing the issuance of visas.

Sincerely yours,

LOUIS L. WIDMER,
Chief, Assurances and Liaison Division,
Refugee Relief Program.

Carlos Manuel DaSilva—H. R. 8927, by Mr. Gubser

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 22, 1956.

Hon. EMANUEL CELLER,
Chairman, Committe on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8927) for the relief of Carlos Manuel DaSilva, there is attached a memorandum of information concerning the bene-

ficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant the child would be chargeable to the quota for Portugal.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CARLOS MANUEL DASILVA, BENEFICIARY OF H. R. 8927

Carlos Manuel DaSilva, a native of the Azores and citizen of Portugal who has never been in the United States, was born on November 12, 1937. He is single and lives in Horta, Faial, Azores. A high-school graduate, he is now attending business school in Horta. He works part time as a waiter at a salary of about the equivalent of $6 monthly. He has no assets and is principally supported by his uncle, Joseph Silvera Souza. The beneficiary's mother, uncle, and two aunts live in the United States.

Joseph Silvera Souza, a United States citizen, was born on May 11, 1899, in Fairhaven, Mass. He has been married twice. The first marriage was terminated by the death of his wife; the second. by divorce. His four children, all United States citizens, live in this country. Mr. Souza resides with his sister, Rosa Aurora De Sousa, at 167 Iowa Street in Sunnyvale, Calif. He works as a molder in a foundry in San Jose, Calif., where he earns a net salary of $76 weekly. In addition, he receives an income of $160 monthly from rental property he owns and $38 monthly from interest on money he has loaned out. His assets consist of an automobile worth $1,200, 3 houses valued at $36,000, $3,200 in a bank, and $10,200 outstanding in loans.

Rosa Aurora De Sousa, also known as Rosa Albertina DaSilva, a derivative citizen of the United States and native of the Azores, was born on April 3, 1907. She is single and lives with her brother, Joseph Silvera Souza, at 167 Iowa Street in Sunnyvale, Calif. She attended grade school, then took a course in tailoring, and is a qualified seamstress. She is not employed and is supported by her brother for whom she keeps house. Her assets consist of 12 acres of land in the Azores, which are valued at the equivalent of $150. She came to the United States in 1952.

DEPARTMENT OF STATE.
Washington, March 30, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 3, 1956, requesting a report of the facts in the case of Carlos Manuel DaSilva, the beneficiary of H. R. 8927, which was introduced by Mr. Gubser on January 30, 1956.

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The files of the Department contain a report dated March 14, 1956, from the consulate at Ponta Delgada, Azores, indicating that Carlos Manuel DaSilva is the illegitimate son of Rosa Aurora da Sousa and is entitled to fourth preference status under the Portuguese quota on the basis of a petition number VP 13–6636 approved by the Attorney General on November 18, 1953. Owing to the heavy demand against the Portuguese quota, however, Carlos M. DaSilva will face an indefinite wait before his turn could be reached under the quota as a fourth preference immigrant.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 21, 1956.

Hon. FRANCIS E. WALTER,
Chairman of the Subcommittee on Immigration and Nationality,
House Office Building, Washington, D. C.

DEAR MR. CHAIRMAN: Reference is made to my bill, H. R. 8927, for the relief of Carlos Manuel DaSilva. Departmental reports on this bill have been received from the Department of State and the Department of Justice.

Carlos is nearing the age when he will become subject to military training in Portugal. If he is inducted into the Army it is feared that he would not be able to leave for the United States should this bill be passed by the Congress.

Under the circumstances, and if at all possible, I respectfully request that hearings be scheduled on this bill so that an effort may be made to secure its enactment before adjournment of this Congress. It is my understanding that Carlos will become of military age in November of this year.

Any consideration you may give this matter will be deeply appreciated.

Thanking you, I am,
Yours sincerely,

CHARLES S. GUBSER.

Andoquio B. Bunayog—H. R. 9019, by Mr. Baldwin

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 25, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9019) for the relief of Andoquio B. Bunayog, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif. office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and

Nationality Act, by providing that the child shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant, the child would be chargeable to the quota for the Philippines.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANDOQUIO B. BUNAYOG, BENEFICIARY OF H. R. 9019

Information concerning the case was obtained from Epefanio Cachapero Golosino, the beneficiary's stepfather.

Andoquio B. Bunayog, a native and citizen of the Philippines who has never been in the United States, was born on September 24, 1942. He is single. He lives with his maternal grandparents in Dauis, Province of Bohol, in the Philippines, where he is a student in the fifth grade. He has no income nor assets.

Epefanio Cachapero Golosino, a native of the Philippines and naturalized citizen of the United States, was born on April 7, 1911. His marriage to Sylvia Baptista was terminated by divorce on April 12, 1954. He married Perfecta Bunayog, the beneficiary's mother, in Reno, Nev., on July 31, 1954. They have had no children. They live at route 1, box 396G, on Milano Road in Martinez, Calif. Mr. Golosino is employed as a laborer at the Mare Island Naval Shipyard in Vallejo, Calif., at a wage of $1.85 hourly. He sends the beneficiary about $25 monthly for his support. The family assets consist of a house, an automobile and personal possessions valued at $11,700, on which they owe $5,900. Mr. Golosino's brother and three sisters live in the Philippines.

Perfecta Golosino, nee Bunayog, a native and citizen of the Philippines, was born on April 18, 1911. She is a lawful permanent resident of the United States who is not employed, other than as a housewife. She attended school for 3 years in the Philippines. Her parents, 2 brothers, and 5 sisters live there.

DEPARTMENT OF STATE,
Washington, March 30, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: I refer to your letter of February 13, 1956, requesting a report of the facts in the case of Andoquio B. Bunayog, the beneficiary of H. R. 9019 which was introduced by Mr. Baldwin on February 1, 1956.

The files of the Department contain a report dated March 16, 1956, from the Embassy at Manila indicating that Andoquio B. Bunayog is the child of Perfecta Bunayog who obtained a visitor visa at that Office on May 19, 1953, for the purpose of visiting Mr. and Mrs. J. M. Crawford of Berkeley, Calif., and who subsequently married Epifanio Golosino. The report states that Andoquio Bunayog is not eligible for nonquota or preference status under the Immigration and Nationality Act but if adopted by Mr. Golosino would be accorded fourth

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preference status under the Philippine quota upon approval of a petition filed with the Immigration and Naturalization Service. However, owing to the oversubscribed condition of the Philippine quota the child would face an indefinite wait before his turn could be reached as an applicant for a fourth preference immigrant visa.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Robert Thomas—H. R. 9464, by Mrs. Kelly of New York

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 21, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9464) for the relief of Robert Thomas, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota for Trinidad, a subquota of Great Britain.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROBERT THOMAS, BENEFICIARY OF H. R. 9464

Information concerning the case was furnished by the female sponsor, Isabella Arthur, a citizen of the United States, who resides at 988 St. Johns Place, Brooklyn, N. Y.

Robert Thomas is a native and citizen of Trinidad, British West Indies, who was born on May 13, 1939. He has never been in the United States. The sponsors, Norman and Isabella Arthur, are his legal guardians and have cared for the beneficiary from infancy until they found it necessary to place the child in an orphanage. He is the only child of Wilhelmina Thomas, whose whereabouts is unknown. He has attended elementary school for 6 years in Trinidad, British West Indies, where he resides in an orphanage. He has no known relatives.

Norman Arthur, the male sponsor, a citizen of the United States, was born in the British West Indies on November 28, 1909. Mrs. Arthur was also born in the British West Indies on December 11, 1909. They were married in Port au Spain, Trinidad, British West Indies, on November 20, 1931. They have testified that this is their only marriage. They have a daughter who was born out of wedlock and is now a citizen of the United States. Mrs. Arthur stated that Mr. Arthur is a seaman, employed by the Moore-McCormack Lines, Inc.,

5 Broadway, New York City, and is now on the high seas. He earns $314.41 per month plus overtime. She is a housewife. Their joint assets consist of furniture and personal effects valued at $6,500, and $2,100 savings in the bank.

DEPARTMENT OF STATE,
Washington, May 21, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 28, 1956, requesting a report on the facts in the case of Robert Thomas, the beneficiary of H. R. 9464, which was introduced by Mrs. Kelly on February 21, 1956.

The files of the Department contain a report dated April 24, 1956, from the consul general at Port of Spain, Trinidad, containing the following information:

"The records of the consulate general indicate that subject is registered under the nonpreference category of the Great Britain subquota for Trinidad under date of May 12, 1955. The birth certificate presented by subject shows that he was born in Trinidad on May 13, 1939, the illegitimate son of Wilhelmina Thomas, whereabouts unknown. The name of father is not recorded. However, on his visa questionnaire subject lists his father as Merandol Dacourt, deceased.

"In view of the limitations placed by law, it may be years before subject's turn may be reached on the quota waiting list."

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 23, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Enclosed is a copy of H. R. 9464 which I have introduced for the relief of Robert Thomas.

This 16-year-old-boy has been in the legal custody of Mr. and Mrs. Norman Arthur, residents of my congressional district, since infancy. He was not adopted because the laws of Jamaica, I understand, do not include adoption, but the Jamaican court did appoint the Arthur's this boy's legal guardians.

I am most anxious to help this couple in their efforts to bring the boy to the United States, and I will appreciate it if your committee will grant me a hearing on H. R. 9464 at an early date.

Sincerely yours,

EDNA F. KELLY.

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Pak Un Ha—H. R. 9532, by Mr. Wilson of Indiana

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 4, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9532) for the relief of Pak Un Ha, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Kansas City, Mo., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens. It should be noted that only the adoptive father is a citizen of the United States.

As a quota immigrant the child would be chargeable to the quota for Korea.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PAK UN HA, BENEFICIARY OF H. R. 9532

Information concerning the case was obtained from Mr. Carrol H. Pender, the adoptive father of the beneficiary.

Pak Un Ha was born at Sangju, South Korea on December 15, 1942. He has never been in the United States. He was formally adopted in Korea on August 29, 1955, by Mr. and Mrs. Carroll H. Pender, the parties interested in his case. He resides at Sangju, South Korea with his mother and an older sister. His father died in 1950. He is presently attending the equivalent of the second year of high school.

Mr. CARROLL H. Pender, a United States citizen, was born in Hanover, Ind. on December 30, 1921. Mrs. Pender, a British subject, was born in London, England, on July 13, 1921. They were married in December 1943. This is their only marriage, and they have two children of their own, ages seven and five. Mr. Pender is presently stationed at Fort Leonard Wood, Mo. as a master sergeant in the United States Army and receives $400 a month in salary and allowances. He has been a member of the United States Armed Forces since September 1942, except for a period from November 1945 to July 1948. Their assets consist of an automobile in which they have an equity of about $1,500, furniture valued at $1,500 and about $1,200 in cash and bonds. They send their adopted son about $30 a month for his care and to assist his natural family.

DEPARTMENT OF STATE,
Washington, May 15, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 28, 1956, requesting a report of the facts in the case of Pak Un Ha, the beneficiary of H. R. 9532, which was introduced by Mr. Wilson on February 23, 1956.

The files of the Department contain a report dated February 16, 1956, from the Embassy at Seoul indicating that Sergeant Pender was informed that the child was not eligible to receive the benefits of the Refugee Relief Act since he was not out of his usual place of abode, and his family were not affected by any military operation. Sergeant Pender was informed regarding the provisions of the Immigration and Nationality Act relating to the quota status of adopted children. A letter dated February 4, 1956, was received from Sergeant Pender requesting that the child's name be placed on the quota waiting list of nonpreference applicants chargeable to the Korean quota. Owing to the oversubscribed condition of the quota Pak Un Ha will encounter an indefinite wait before it will become possible to consider his visa application as a nonpreference quota immigrant.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

DEPARTMENT OF STATE,
Washington, May 18, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to the Department's communication of May 15, 1956, in regard to H. R. 9532 relating to Pak Un Ha.

A supplementary report has been received from the Embassy at Seoul stating that an application was received on March 16, 1956, from Pak Un Ha for registration on the nonpreference Korean quota waiting list. This applicant was born on December 15, 1942, and is at present attending school at Sangju, Korea. He stated in his application that he has no father but has a mother and two brothers living.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Hiroko Uesugi—H. R. 9673, by Mr. Gordon

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE;
Washington, D. C., June 6, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9673) for the relief of Hiroko Uesugi, there is

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attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant the beneficiary would be chargeable to the quota for Japan.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HIROKO UESUGI, BENEFICIARY OF H. R. 9673

Information concerning this case was obtained from Mr. William D. Roach, the beneficiary's adoptive father and interested party.

The beneficiary, Hiroko Uesugi, also known as Susan Ann Roach, a native and citizen of Japan, was born on April 26, 1943. She was legally adopted by William D. Roach and Setsuko Roach from her natural parents on September 5, 1955, in the Family Court, Tokyo, Japan. Her adoptive mother is a sister of her natural mother. She resides with her adoptive parents at Headquarters, Military Assistance Advisory Group, Japan, APO 500, San Francisco, Calif. Her education is unknown. She has no assets and is dependent upon her adoptive parents for support. She has never been in the United States.

The beneficiary's adoptive father, a native and citizen of the United States, was born on October 21, 1931. He served honorably in the United States Army from June 1951 to April 1953. He is employed as a Department of Army civilian, Headquarters, Military Assistance Advisory Group, Japan. His salary is $3,500 a year. He has $200 in savings and personal property valued at $1,000. He married Setsuko Uesugi, a native and citizen of Japan, at Kobe, Japan, on September 29, 1953. His permanent address in the United States is 3011 North Kedzie Avenue, Chicago, Ill.

DEPARTMENT OF STATE,
Washington, April 26, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 6, 1956, requesting a report of the facts in the case of Hiroko Uesugi, the beneficariy of H. R. 9673 which was introduced by Mr. Gordon on February 29, 1956.

The Department's files contain a report dated April 12, 1956, indicating that Mr. William D. Roach, the adoptive father of Hiroko Uesugi, called at the Embassy on April 12, 1956, giving the following information:

"Mr. Roach is a Department of the Army civilian, 25 years of age, who states he plans to enroll at the University of Ohio at Athens, Ohio, under the Korean GI bill, after his employment in Japan termi-

nates in June 1956. He is married to a Japanese national and has a child the bearer of an American passport. He states he will be entitled to $160 per month and that housing will be available at reasonable rates at the university for himself and his dependents, including his adopted child. He states, further, that he plans to take a part-time job as ticket agent with an airline company at Marietta, Ohio.

"Regarding his adopted child, Mr. Roach exhibited certified copy of the adoption decree and a certified copy of a decree issued by the Tokyo Family Court authorizing Hiroko to change her name to Susan Ann. One set of these documents is on file in the Embassy; copies are not enclosed as Mr. Roach is forwarding copies to the Immigration and Naturalization Service, at the request of that Service, for presentation to the Judiciary Committee. Mr. Roach stated that Hiroko is his wife's youngest sister and that he adopted her because he likes her, and her parents are unable to support her.

"The documentation for Mrs. Roach's immigrant visa has been found satisfactory and the Embassy is prepared to issue a visa to her on April 27, 1956, when she has an appointment for her formal application."

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Filomena and Gabriele Scarsella—H. R. 10014, by Mr. Lesinski

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 8, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 10014) for the relief of Filomena and Gabriele Scarsella, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Detroit, Mich., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien children pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that they shall be held and considered the natural-born alien children of United States citizens.

As quota immigrants the beneficiaries would be chargeable to the quota for Italy.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FILOMENA AND GABRIELE SCARSELLA, BENEFICIARIES OF H. R. 10014

Information concerning this case has been obtained from the beneficiaries' foster parents, Mr. and Mrs. Biagio Scarsella.

The beneficiaries, Filomena Scarsella, age 15, and her brother, Gabriele Scarsella, age 14, are natives and citizens of Italy. They

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reside in Italy with their natural parents who have nine other children. The beneficiaries were adopted by Mr. and Mrs. Biagio Scarsella in July 1953. Mr. Scarsella is a cousin of the beneficiaries' natural father.

Biagio Scarsella and his wife Maria, ages 68 and 64 respectively, are naturalized citizens of the United States. They reside at 2975 Pinehurst Street, Dearborn, Mich. They have no children of their own. Mr. Scarsella formerly was employed by the Ford Motor Co. and retired in 1953. He receives social security benefits and income from rental property totaling $370 a month. He owns real estate and land contracts valued at $66,000.

DEPARTMENT OF STATE,
Washington, June 6, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 20, 1956, requesting a report of the facts in the cases of Filomena and Gabriele Scarsella, the beneficiaries of H. R. 10014 which was introduced by Mr. Lesinski on March 15, 1956.

The files of the Department contain a report dated May 9, 1956, from the consulate general at Naples, Italy, stating that no information is contained in the files of that office regarding Gabriele and Filomena Scarsella other than the fact that they are beneficiaries of fourth preference petitions filed in their behalf by their foster father, Biagio Scarsella of Detroit, Mich., and approved by the Attorney General. The report states that Filomena Scarsella has a priority date of March 2, 1955, and that Gabriele Scarsella has a priority date of February 17, 1955. Owing to the oversubscribed condition of the Italian quota the beneficiaries would encounter an indefinite wait before consideration could be given to their applications for fourth preference immigrant visas. However, if the proposed legislation should be enacted it would be possible for the consul to give prompt consideration to their cases.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

SUPERIOR COURT OF ABBRUZZI, L'AQUILA

[Translation from Italian]

DECREE OF ADOPTION

The Superior Court of Aquila, minors section, composed by Mr. (1) S. E. De Feo, Dr. Guiseppe, president; (2) Rossi, Dr. Luigi, counselor; (3) Colangelo, Dr. Abele; (4) Conte, Dr. Guido; (5) Varrassi, Prof. Giuseppe, private component to meet in chamber of council, upon report of the President, De Feo, Dr. Giuseppe, has issued the following:

DECREE

Read the application presented on December 17, 1952, by which Mr. Scarsella Biagio and Mrs. Farrace Maria Antonia (husband and wife have requested to adopt Scarsella, Filomena, and Scarsella, Gabriele;

Read the minute of accord dated February 10, 1953, drawn up before the vice consul of Italy in Detroit, appointed for the purpose by the president of this court; seen the request of the public prosecutor dated June 26, 1953, with which he does not oppose the acceptance of the application of adoption; examined the documents exhibited and verified the execution of all terms requested by the law; seen the article 313 C. C.

Declares to effect the adoption of Scarsella, Filomena, daughter of Giuseppe and of Notarantonio Ida born June 14, 1940 in Fagnano Alto, here residing, and of Scarsella, Gabriele, son of Giuseppe and of Notarantonio Ida born May 2, 1942, by Mr. Scarsella, Biagio, son of the late Angelantonio and of the late Scarsella, Domenica, born June 27, 1887 in Fagnano Alto residing in Detroit (United States of America) and by Mrs. Farrace Maria Antonia daughter of the late Salvatore and of the late Ferrazzo Lucia born June 1, 1891 in S. Massimo, residing in Detroit (United States of America).

Orders that the present decree is to be transcribed in margin of the birth certificate of the adopters and of the adopteds according to the article 314 C. C.

So resolved in Aquila, into the chamber of council of the Superior Court, minors section, on the 7th day of July 1953.

The President G. D. Feo.
The Chancellor Pignatelli.

Registered in Aquila on June 11, 1953, at No. 86, Vol. 151, Mod. III, Exacted Lire 4.220 by lawyer Marinucci.

The Procurator: Signed Caccia.

The above translation has been completed by the undersigned Virginia Calligari of 31155 Hathaway, Livonia, Mich.

Virginia Calligari, *Translator.*

Subscribed and sworn before me on this 15th day of February A. D. 1955 at Livonia, Mich.

[seal] Alexander W. Calligari, *Notary Public.*

Wayne County, Mich.
My commission expires April 29, 1958.

Elizabeth Anne McLean-Martin—H. R. 10154, by Mr. Engle

Department of Justice,
Immigration and Naturalization Service,
Washington, D. C., May 31, 1956.

Hon. Emanuel Celler,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

Dear Mr. Chairman: In response to your request for a report relative to the bill (H. R. 10154) for the relief of Elizabeth Anne McLean-Martin, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the

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beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant the beneficiary would be chargeable to the quota for Australia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELIZABETH ANNE MCLEAN-MARTIN, BENEFICIARY OF H. R. 10154

Information concerning this case was obtained from Mr. William McLean-Martin, the beneficiary's adoptive father.

Elizabeth Anne McLean-Martin, a native and citizen of Australia, was born on September 15, 1941. She was adopted in an Australian court on November 7, 1941, by Mr. and Mrs. McLean-Martin. She was placed for adoption at birth by her unwed natural mother, Daphne Young, a native of Australia. Information concerning her natural father is unavailable. Miss McLean-Martin lives with her adoptive mother at 992 George Road West, Victoria, British Columbia, Canada. She is a student attending the eighth grade and is completely dependent upon her adoptive father for support.

The beneficiary, accompanied by Mr. and Mrs. McLean-Martin, has visited in the United States on two occasions. The first entry occurred at San Francisco, Calif., on December 2, 1947. She departed 4 months later. She last entered the United States at San Francisco, Calif., on August 9, 1949, and departed to Canada in October 1949, where she has lived since that time.

William McLean-Martin was born in Glasgow, Scotland, on November 25, 1897. He entered the United States at Seattle, Wash., for permanent residence on April 14, 1950, and was naturalized in Los Angeles, Calif., on September 23, 1955. He was married to Iris Longkee, a native and citizen of Australia, on March 23, 1940. No children have been born of the marriage. Mr. McLean-Martin's previous marriage terminated in divorce in May 1928. The two children born of that marriage are now self-supporting and reside in Australia. Mr. McLean-Martin lives in Bishop, Calif., where he is employed as an accountant by the Inyo Lumber Co., Inc., at a monthly salary of $600. He derives an additional monthly income of $100 from spare-time accounting jobs. His assets, valued at $2,100, consist of an automobile, savings, and household effects. His wife and the beneficiary are his only dependents. Mr. McLean-Martin served honorably in the British Armed Forces from November 1915, until June 1919.

DEPARTMENT OF STATE,
Washington, June 5, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of April 4, 1956, requesting a report of the facts in the case of Elizabeth Anne McLean-Martin, the beneficiary of H. R. 10154 which was introduced by Mr. Engle on March 22, 1956.

A report dated May 16, 1956, has been received from the consulate general at Vancouver reading as follows:

"This office does not have any documents relating to the subject Elizabeth Anne McLean-Martin, who, it would appear, was born at Sydney, Australia, September 15, 1941, and is more than 50 percent of the Chinese race. However, for background information for the Committee on the Judiciary there is enclosed copy of a letter dated Victoria, British Columbia, May 29, 1950, from Mrs. Iris McLean-Martin, adoptive mother of the subject, which was transmitted to Vancouver with the Department's OMV 45 of June 30, 1950. The communication was referred to the then consulate at Victoria for appropriate attention; and a copy of its reply to Mrs. McLean-Martin is also enclosed.

"From this it will be noted that the adoptive father, William McLean-Martin, a native of Scotland, was issued an immigrant visa at Victoria, British Columbia, April 14, 1950. At that time he was informed that his wife, who is more than 50 percent Chinese, could be given third preference priority on the China quota on the basis of an approved petition which he could file after his admission. At the same time he was further informed that there would likely be a waiting period of several years before a quota number would be available for his wife, as the quota was heavily oversubscribed. Concerning the adopted daughter, she would not be entitled to any preference under the quota as she is not related by blood to either of her adoptive parents.

"On February 26, 1953, Mr. McLean-Martin filed a petition (form I–133A) at Los Angeles which was approved and conferred third preference priority under the China quota on his wife. However, no quota number became available for Mrs. McLean-Martin and no visa could be issued under this petition.

"On December 23, 1955, Mr. McLean-Martin became a naturalized United States citizen, and immediately filed a petition for the issuance of a nonquota immigrant visa for his wife. The petition was received here on January 3, 1956; and on January 9 Mrs. McLean-Martin was requested to submit documents for visa. Required documents having been received, Mrs. McLean-Martin was invited to appear for formal visa application on March 12, 1956, and a nonquota visa was issued to her on that day.

"This still left the adoptive daughter, the subject, for whom no visa could be issued, and who would thus be separated from both her parents."

Copies of Mrs. McLean-Martin's letter dated May 29, 1950, to Victoria, British Columbia, and consulate at Victoria reply to Mrs. McLean-Martin are also enclosed.

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Owing to the oversubscribed condition of the quota for Chinese an indefinite delay will be encountered by Elizabeth Anne McLean-Martin before consideration may be given to her application for a nonpreference immigrant visa.

Although Mr. McLean-Martin as an American citizen could file a petition for fourth-preference status on behalf of his adopted daughter, Elizabeth, she would nevertheless encounter a very considerable delay before her turn could be reached to receive a visa as a fourth-preference immigrant owing to the oversubscribed condition of the quota.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

SAN SEBASTION AUTO COURT.
Victoria, British Columbia, May 29, 1950.

OFFICER IN CHARGE,
Immigration Department,
Washington, D. C.

DEAR SIR: I am an Australian-born Chinese (second generation) married to a Scotsman. My husband and I put in our applications for a quota number as permanent residents with the view of taking out citizenship papers. Our applications were approved by your office here, but being Chinese I came under the classification of a nonnational Chinese and was informed by letter that I would have to wait a period of 2 years or more for my quota number. Mr. Martin decided that he would go to the United States and that I should wait here in Victoria. He left for San Francisco on April 14, 1950.

I would like to know if there is any possibility of my quota number being approved before that period as I am a stranger to this country and not having any friends here, both my daughter and I feel the parting very keenly. I wish to state that I have furniture and household goods stored with Bekins in Seattle to start a home. I had purchased them in the United States when I was there on a visitor's visa for 3 months (December 1947 to March 1948). Prior to joining my husband who was at that time employed as an accountant by contractors to the Armed Forces in Guam. His contract was terminated because they were dispensing with the services of their foreign staff.

During my sojourn in Guam I made many American friends and took part in the island's activities. I am a member of the Order of the Eastern Star (Guam chapter) Fullerton Memorial Church, Red Cross (Australia) and also have been associated with the PTA wherever my daughter has attended school. Therefore, I fully realize the meaning of a good citizen and am willing to take my full responsibility as such.

Mr. and Mrs. Carl Williams, of 1631 21st Avenue, San Francisco 22, is quite willing to accommodate us and with whom my husband is now staying. My daughter who is 9 years of age has had a lot of broken schooling and it is with these things on my mind I wish to be settled. May I wish to add that an early reply would be deeply appreciated.

Thanking you, I remain,
Yours respectfully,

(Signed) IRIS M. MARTIN
Mrs. W. M. Martin.

AMERICAN CONSULATE,
Victoria, British Columbia, July 7, 1950.

Mrs. W. M. MARTIN,
San Sebastion Auto Court,
Victoria, British Columbia.

MADAM: Your letter dated May 29, 1950, addressed to the officer-in-charge, Immigration Department, Washington, D. C., has been referred to this office for reply.

Inasmuch as the Chinese quota is heavily oversubscribed, you will experience an indefinite waiting period before a quota number will become available for your use. In the meantime, there is no possibility of complying with your request for an immigration visa.

You will recall that this matter was discussed in detail with yourself and your husband prior to the issuance of an immigration visa to him. You will recall also that this office was reluctant to issue an immigration visa to your husband because you could not then obtain an immigration visa because of the oversubscribed quota. You will also recall that this office was urged to grant an immigration visa to your husband with the definite understanding that you would be unable to join him in the United States until a quota number became available for your use, and that you furnished the consulate with a statement that you had no objection to your husband preceding you to the United States.

You may be assured that this office will grant you every consideration consistent with the immigration laws and regulations of the United States.

Very truly yours,

WILLIAM M. OLIVE,
American Vice Consul.

UNITED STATES CONSULATE GENERAL,
Vancouver, British Columbia, March 12, 1956.

Hon. CLAIR ENGLE,
Congress of the United States,
House of Representatives, Washington, D. C.

MY DEAR MR. ENGLE: Supplementing my letter of February 21, 1956, replying to yours of February 18, concerning the immigrant visa case of Mrs. Iris A. McLean-Martin, wife of your constituent, William McLean-Martin of Bishop, Calif., I am writing to inform you that a nonquota visa was today issued to Mrs. McLean-Martin on the strength of an approved petition filed by her husband, who became a citizen on December 23, 1955.

As stated in our letter of February 21, the adopted daughter, Elizabeth Anne McLean-Martin, who was born at Sydney, Australia, September 15, 1941, being 50 percent or more of the Chinese race, is, under the Immigration and Nationality Act, not eligible to nonquota status, and remains chargeable to the heavily oversubscribed China national quota. And, as she is not related by blood to either of her adoptive parents, she is unable to qualify for third-preference priority under the quota through Mrs. Martin. In order, therefore, that she may not remain long separated from her adoptive parents, who, it is

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understood, have had her since she was but 5 days old, some other provision may have to be made for her admission.

Sincerely yours,

LAVERNE BALDWIN,
United States Consul General.

Loredana Ramaioli Kaczoroski—H. R. 10449, by Mr. Oliver P. Bolton

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 19, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 10449) for the relief of Loredana Ramaioli Kaczoroski, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cleveland, Ohio, office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant, the child would be chargeable to the quota for Italy.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LOREDANA RAMAIOLI KACZOROSKI, BENEFICIARY OF H. R. 10449

Information concerning this case was obtained from Mr. and Mrs. John J. Kaczoroski, the mother and adoptive father of the beneficiary.

Loredana Ramaioli Kaczoroski is an 11-year-old child, a native and citizen of Italy, who resides in a Catholic institution at Trento, Italy. Her care at this institution is provided for by Mr. and Mrs. Kaczoroski. She is an illegitimate child of Mrs. Kaczoroski. Her father, according to Mrs. Kaczoroski, was Cavalaro Connovani, a native and citizen of Italy, single, employee of a shoe factory, and now believed deceased.

Mr. and Mrs. Kaczoroski are United States citizens, ages 37 and 35, respectively. Mrs. Kaczoroski was admitted to citizenship on May 4, 1954, in the common pleas court, Ashtabula County, Jefferson, Ohio. They reside in Conneaut, Ohio, where Mr. Kaczoroski is employed as a switchman for the Nickel Plate Railroad. They have 3 sons, Walter, John, and Robert, ages 9, 7, and 5, respectively, all born in Conneaut, Ohio. The couple own their own home valued at approximately $6,500, and have cash savings of $170. They own their household furnishings, as well as a 1953 Chevrolet.

The beneficiary became the legally adopted daughter of John Kaczoroski in an Italian court in Vegavano, Provencio Pavia, Italy,

on July 19, 1955. Mr. Kaczoroski served in the United States Army from January 20, 1941, to June 6, 1946, and was honorably discharged with the rank of corporal.

DEPARTMENT OF STATE,
Washington, May 11, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of April 19, 1956, requesting a report of the facts in the case of Loredana Ramaioli Kaczoroski, the beneficiary of H. R. 10449 which was introduced by Oliver P. Bolton on April 11, 1956.

The files of the Department contain information indicating that Loredana R. Kaczoroski who was born in Italy on October 8, 1945, is entitled to fourth-preference immigrant status under the Italian quota. Owing to the heavy demand against the quota she will encounter an indefinite wait before it shall be possible to take action upon her application for a fourth-preference immigrant visa.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 22, 1956.

Re H. R. 10449.

Hon. EMANUEL CELLER,
Chairman, House Committee on the Judiciary,
Washington, D. C.

DEAR MR. CHAIRMAN: This letter has reference to H. R. 10449, a bill I introduced on April 11, 1956, on behalf of Miss Loredana Ramaioli Kaczoroski. I will appreciate it if you will docket this case for consideration.

This 11-year-old child is the illegitimate daughter of Mrs. John J. Kaczoroski of Conneaut, Ohio, and became the legally adopted daughter of her husband, Mr. John J. Kaczoroski, in an Italian court in Italy, on July 19, 1955. She is now in an institution in Italy and Mr. and Mrs. Kaczoroski are providing for her care. Both Mr. and Mrs. Kaczoroski are American citizens.

Since this bill is noncontroverisal, would it be possible to have it considered in executive session at an early date? I will not be a candidate for reelection this fall so would appreciate it if action could be taken on this bill during the present session of Congress.

Thanking you and with best wishes,

Sincerely,

OLIVER P. BOLTON,
Representative to Congress,
11th District, Ohio.

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Panoraea Panos—H. R. 10453, by Mr. Herlong

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 19, 1953.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR Mr. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 10453) for the relief of Panorea Panos, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Miami, Fla., office of this Service, which has custody of those files. As indicated by the records of this Service, the correct name of the beneficiary is Panoraea Panos.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota for Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PANOREA PANOS, BENEFICIARY OF H. R. 10453

Information concerning the case was obtained from Mr. and Mrs. Charles Panos, the adoptive parents of the beneficiary.

Panorea Panos is an 18-year-old child, a native, citizen, and resident of Krionerion, Greece, who was born on February 17, 1938. She has never been in the United States. She was adopted in a Greek court on September 28, 1955, by Mr. and Mrs. Charles Panos, the parties interested in her case. She is the third child of Evangelos Panagakos, Mr. Panos' brother and his wife, Neza. They are in Greece and agreed to the adoption. The records of this Service indicate that the beneficiary's correct name is Panoraea which, prior to her adoption, was Panoraea Panagakos. The beneficiary is a student and has never been married.

Mr. and Mrs. Charles Panos are naturalized citizens of the United States and reside in Ormond Beach, Fla. Mr. Panos was born on November 20, 1897, in Krionerion, Greece. His name prior to having it changed by court order in 1945 was Agisilaos Nicolaon Panagakos. Mrs. Panos, nee Marguerite Kungler, was born on July 29, 1911, in Gyor, Hungary. They were married on January 2, 1931. They have testified that this is their only marriage and that they never had any children of their own. Mr. Panos has testified that he owns a 75-room hotel and a restaurant in Daytona Beach, Fla.; that his tangible assets including the hotel and restaurant amount to approximately $200,000, and that his annual income is $12,000.

Mrs. Panos is not gainfully employed and is dependent upon her husband for support. They regularly contribute toward the support and maintenance of the beneficiary.

DEPARTMENT OF STATE,
Washington, May 14, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: I refer to your letter of April 19, 1956 requesting a report of the facts in the case of Panorea Panos, the beneficiary of H. R. 10453 which was introduced by Mr. Herlong on April 11, 1956.

The files of the Department contain a report from the American Embassy at Athens dated March 26, 1956, stating that Miss Panos is entitled to fourth preference immigrant status under the quota for Greece. However, owing to the oversubscribed condition of the Greek quota Miss Panos may expect to encounter an indefinite wait before her turn will be reached to apply for a fourth preference immigrant visa.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Myrrine and Fitzgerald Christie—H. R. 10484, by Mr. Chudoff

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 7, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 10484) for the relief of Myrrine and Fitzgerald Christie, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Philadelphia, Pa., office of this Service, which has custody of those files. According to the records of this Service, the correct name of the beneficiary, Fitzgerald Christie, is Leo Fitzgerald Christie.

The bill is intended to confer nonquota status upon the alien children pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the children shall be considered the natural-born alien children of Joslyn Christie, a citizen of the United States.

As quota immigrants the children would be chargeable to the Jamaican subquota of the quota for Great Britain.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MYRRINE AND FITZGERALD CHRISTIE, BENEFICIARIES OF H. R. 10484

Information concerning this case was obtained from Joslyn Christie, the natural father of the beneficiaries.

The beneficiaries are brother and sister. They were born in Spanish Town, Jamaica, British West Indies. They have never been in the United States and presently reside in Kingston, Jamaica, British West Indies. The beneficiary Myrrine Christie was born on July 19, 1942. The beneficiary Fitzgerald Christie, whose correct name is Leo Fitzgerald Christie, was born on August 31, 1944.

The beneficiaries' mother, Ena Wallace, is a subject of Great Britain. She resides in Spanish Town, Jamaica, British West Indies. The beneficiaries' natural father, Joslyn Christie, has supported the children since their birth. He recently placed them under the care of the Society for the Prevention of Cruelty to Children in Jamaica, and contributes $22.50 monthly for their support. Ena Wallace has given Joslyn Christie, their natural father, custody of the beneficiaries.

The beneficiaries' natural father, Joslyn Christie, was born on April 2, 1914, in Cuba. In 1921 he migrated to the British West Indies, where he lived in a common-law relationship with the beneficiaries' mother, Ena Wallace, from 1941 to 1944. Mr. Christie was admitted to the United States in June 1944 as an agricultural worker. He married Lossie Bell Bryant, a citizen of the United States, on March 22, 1947. Mr. Christie returned to Jamaica and on February 28, 1949, was admitted to the United States for permanent residence. On September 5, 1951, he was admitted to United States citizenship at Philadelphia, Pa. Mr. Christie has been employed by the Budd Manufacturing Co. in Philadelphia, Pa., as a molder since 1953 at an average salary of from $100 to $125 weekly. Mr. and Mrs. Christie reside in Philadelphia, Pa. They have cash savings in the amount of $2,100 and personal property valued at $2,000.

Mr. and Mrs. Christie have two children: Adena, who was born in 1947 and Joslyn, Jr., who was born in 1950. Mr. and Mrs. Christie state it is their intention to formally adopt the beneficiaries upon their admission to the United States, and that the beneficiaries will reside with them and be brought up with their two children.

DEPARTMENT OF STATE,
Washington, May 17, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of April 23, 1956, requesting a report of the facts in the cases of Myrrine and Fitzgerald Christie, the beneficiaries of H. R. 10484 which was introduced by Mr. Chudoff on April 12, 1956.

The files of the Department contain information received from the consulate general at Kingston, Jamaica, indicating that Myrrine and Fitzgerald Christie are the children of Joslyn P. Christie who is married to a person who is not the children's mother. As the children were born out of wedlock they may not be legitimated under the laws

of Jamaica, the place of their residence. The children were born in Jamaica and owing to the oversubscribed condition of the subquota for Jamaica the children will encounter an indefinite wait before their turns may be reached for the consideration of their visa applications.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 20, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: On April 12, 1956, I introduced H. R. 10484, a bill for the relief of Myrrine and Fitzgerald Christie. I am enclosing herewith copy of a communication received from the International Institute of Philadelphia, an organization interested in the passage of this bill. I believe that this letter contains all the facts necessary for the Subcommittee on Immigration for the purpose of studying the situation.

If there is anything further that the committee wishes, will you kindly advise me and I shall be pleased to forward same to you.

Thanking you for your cooperation, and with kindest personal regards, I am

Sincerely yours,

EARL CHUDOFF,
Member of Congress.

INTERNATIONAL INSTITUTE OF PHILADELPHIA, PA.,
Philadelphia, Pa., March 15, 1956.

Re Christie, Joslyn, 1509 Poplar Street, Philadelphia, Pa. Children: Christie, Myrrine, born July 19, 1942; Christie, Fitzgerald, born August 31, 1944 (born in Jamaica, British West Indies)

Representative EARL CHUDOFF,
Congress of the United States,
House of Representatives, Washington, D. C.

DEAR MR. CHUDOFF: In response to your letter of March 7, 1956, regarding Mr. Joslyn Christie and his two children who are in Jamaica, we would like to submit to you the following information.

The Christie family has been known to the International Institute since July 1947 when Mrs. Christie came to us for help in bringing her husband to this country for permanent residence. Mrs. Christie is an American citizen. She was anxious for her husband to come to to the States as soon as possible as she was pregnant and needed his support. However, it was not until February of 1949 that Mr. Christie was finally issued an immigration visa and admitted to the United States for permanent residence.

Mr. Christie had never been previously married but had two children who were born out of wedlock—Myrrine and Fitzgerald. His present wife is not the mother of the children. Mr. Christie acknowledged paternity of the children at the time they were born and supported

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them continuously. The mother of the children deserted them when they were quite young and Mr. Christie had full responsibility not only from a financial standpoint but also in terms of finding suitable home placements for them. Since he came to the United States, the placement and supervision of the children has been arranged through a children's agency in Jamaica. Mr. Christie voluntarily reimburses the agency for the children's support, and in addition to this, sends all of their clothing and money for incidental expenses.

The children were registered with the American consulate in Kingston, Jamaica, for an immigration visa in October 1950. Unfortunately, Mr. Christie was under the impression that he could not bring them here until he became a citizen. He received his naturalization papers on September 5, 1951, and shortly thereafter came to us for help in bringing his children as he was not making any progress by himself. We had numerous correspondence with the American consulate in Jamaica and the children's agency in Jamaica was also in contact with the consul trying to have the children documented. Since the children were born out of wedlock, they were not entitled to any preference under the immigration law. However, the American consul was insisting upon proof of paternity and was also requiring a statement from the Immigration and Naturalization Service that Mr. Christie had been admitted to the country legally. The Immigration Service took the position that such a statement was not required in view of the fact that Mr. Christie was an American citizen and form I–475 is required only for aliens. There seemed to be even less point in verifying Mr. Christie's legal admission in view of the fact that the American consulate in Jamaica had issued an immigration visa.

To make a long story short, the Immigration and Nationality Act of 1952 came into effect before the visas were issued with the result that the children now can come only under the quota which is oversubscribed for an indefinite period of time. In fact, the situation is hopeless unless some other way can be found for them to join their father. When the Refugee Relief Act of 1953 was passed, we received an official opinion from the State Department to the effect that the Christie children would meet the definition of "orphans." However, this act would benefit only Fitzgerald as Myrrine was already over 10 years of age. Assurances were prepared by the Catholic Children's Bureau of Philadelphia who certified as to the suitability of the Christie home. Although these assurances were verified by the State Department, Jamaica at that time had not met the requirement of the Refugee Relief Act in relation to giving their consent for a person to be readmitted should it later develop that a visa was secured by fraud.

Consequently, time went by and Fitzgerald reached his 10th birthday and thereby became ineligible under the Refugee Relief Act. The mother of the two children in Jamaica has given her consent for them to join their father here in the United States. It therefore appears there would be no obstacle to the children leaving Jamaica. The only obstacle in their coming to the States is a quota number. Had the children been born in a country that had no oversubscribed quota, Mr. Christie could have brought them long ago.

We feel that this case has many meritorious features which warrant special consideration. Although the children were born out of wed-

lock, Mr. Christie has taken more responsibility than many fathers or even mothers would have taken for legitimate children. In addition to the 2 children in Jamaica, Mr. Christie has 2 children and a stepchild here in Philadelphia whom he supports. He makes every effort to give the same consideration to Myrrine and Fitzgerald as he does to the other children who are with him. His wife concurs in this responsibility that Mr. Christie is taking and is in full accord with his plan to bring them to this country. Mr. Christie and children correspond regularly and they are always expressing their desire and hope to join him. In addition to this direct correspondence, we have been communicating with the children's agency in Jamaica regarding any major decisions and planning that has to be made. The children's agency gives very favorable reports on the behavior, intelligence, and character of the two children. They feel strongly of course that the children should be with their father where they would have the love and affection which they so greatly need. Although the children and the father had been separated for 7 years, they have all the characteristics and feelings of a family group, and we hope that you might be successful in your efforts to have them reunited.

We will greatly appreciate anything you may be able to do in this case and will be glad to provide you with further detailed information should you need it.

Respectfully yours,

Mrs. Melba C. Hyde,
Director of Individual Service.

Franca van Landingham—H. R. 10497, by Mr. Spence

Department of Justice,
Immigration and Naturalization Service,
Washington, D. C., July 3, 1956.

Hon. Emanuel Celler,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

Dear Mr. Chairman: In response to your request for a report relative to the bill (H. R. 10497) for the relief of Franca van Landingham, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cincinnati, Ohio, office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of a citizen of the United States.

As a quota immigrant, the child would be chargeable to the quota for Italy.

Sincerely,

J. M. Swing, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FRANCA VAN LANDINGHAM, BENEFICIARY OF H. R. 10497

Information concerning the case was obtained from Floyd van Landingham, the adoptive father of the beneficiary.

Franca van Landingham is an 11-year-old child, a native and citizen of Italy, who resides with an aunt, Teresa Moretti, in Volterra, Italy. She attends a Catholic school for girls in Volterra, Italy, and is in the fourth grade. She was born out of wedlock, father unknown, to Raimonda Piastrelli, on June 4, 1945.

Mr. Floyd van Landingham was born on February 25, 1927, in Butler, Ky. He married Raimonda Piastrelli on December 2, 1955, in Volterra, Italy, and subsequently adopted the beneficiary. Mr. Van Landingham has a grade-school education and is trained as a merchant seaman having followed this occupation since December 5, 1944. He is temporarily employed as an assembler by the Cincinnati Metalcraft Co., Cincinnati, Ohio, and receives $1.45 per hour. Mr. Van Landingham expects to return to his trade as an electrician with the merchant marine in July or August 1956. His gross income as a seaman has been $460 per month in the past. He owns his own home on 6 acres of land valued at $15,000 and has cash savings of $400. He has household furnishings, a 1953 Ford, and personal effects which he values at $3,500.

Mrs. Raimonda Van Landingham, a citizen of Italy, was born in Tunisia on July 30, 1926, and was admitted to the United States for permanent residence on July 30, 1955, at Boston, Mass. She resides with her husband in Butler, Ky., and is supported by him. She has no income or assets. Her parents are deceased and her only close living relative is her sister with whom the beneficiary lives.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND CURRENCY,
Washington, July 5, 1956.

Hon. FRANCIS E. WALTER,
Chairman, House Judiciary Subcommittee No. 1,
House Office Building, Washington, D. C.

DEAR MR. CHAIRMAN: With reference to H. R. 10497, a bill which I introduced April 12, 1956, for the relief of 11-year-old Franca Van Landingham, I have been advised by a staff member of the subcommittee that a short statement in her behalf would help expedite a report on the bill.

Mr. Floyd Van Landingham, merchant marine electrician, who in 1954 married an Italian citizen and adopted her child July 1955 while still in Italy, desires to bring Franca, his alien daughter, to Falmouth, Ky., where he and his Italian-born wife now reside.

On September 14, 1955, Mr. Rolland Welch, Director, Visa Office, Department of State advised me that the Italian quota, to which it appears the child is chargeable, is heavily oversubscribed, and that in view of the large number of relative petition cases outstanding in Italy, it is doubtful that the case of a fourth-preference applicant (filed August 1955; approved October 1955) who has a recent regis-

tration priority (December 10, 1954) will be reached for consideration under the Refugee Relief Act of 1953.

Note: Information in parentheses furnished from our files.

FRANCA VAN LANDINGHAM

Date of birth: June 4, 1945.
Place of birth: Volterra, Italy.
Mother's name: Raimonda Piastrelli Van Landingham.
Present address: Care of Teresa Moretti (sister-in-law of Floyd Van Landingham), Borgo San Stefano No. 45, Volterra (Pisa), Italy.

I think this is a very appealing case and I am sure that the child will never become a public charge but will be well taken care of by her parents.

I hope you can report favorably on this bill and see that it is brought up in the House for passage.

Cordially,

BRENT SPENCE.

Nouran Mateosian—H. R. 6496, Mr. Osmers

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 6, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6496) for the relief of Nouran Mateosian, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Newark, N. J. office of this Service, which has custody of those files.

The bill would confer nonquota status upon the beneficiary by providing that for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, he shall be held and considered to be the natural-born alien child of George and Sara Mateosian, citizens of the United States. The beneficiary, an adopted child, will become 21 years of age on February 26, 1956.

As a quota immigrant, the beneficiary would be chargeable to the quota of Turkey.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE NOURAN MATEOSIAN, BENEFICIARY OF H. R. 6496

Nouran Mateosian, the beneficiary, was born in Istanbul, Turkey, on February 26, 1935. He was adopted by his uncle, George Mateosian, in Turkey on June 3, 1952. The beneficiary completed primary school in Istanbul and is now employed as a cloth cutter. He is residing with his natural mother and grandfather in Istanbul, Turkey. His father is deceased.

George Mateosian, the adoptive father of the beneficiary, was born in Istanbul, Turkey, on May 2, 1904. He was admitted to United

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States citizenship on November 18, 1938. He and his wife have no children of their own. The adoptive father is residing in North Bergen, N. J. He is employed as a photoengraver and earns between $8,000 and $10,000 a year. He has savings in two banks amounting to about $4,600. George Mateosian was arrested on December 19, 1938, at Hackensack, N. J., on a charge of assault and battery. He was convicted and sentenced to 6 months' imprisonment which was suspended.

DEPARTMENT OF STATE,
Washington, August 5, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of June 6, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Nouran Mateosian, beneficiary of House Resolution 6496, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated July 6, 1955, from the American Consulate General at Istanbul, Turkey.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mr. Mateosian would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

JULY 6, 1955.

To: Department of State.
From: Consulate General, Istanbul.
Subject: Visas: Immigrant case of Nouran Mateosian.
Reference: UROMV-53, June 25, 1955, and our reply of March 30, 1955, to Congressman Frank C. Osmers, Jr., concerning status of subject case.

The immigrant visa case of Nouran Mateosian has been accorded fourth preference status under the Turkish quota on the basis of approved petition No. VP 3-66597, executed by his adoptive father, Mr. George Mateosian, and approved by the Department of Justice on November 10, 1954.

Under normal conditions and the heavily oversubscribed Turkish quota there would be an indefinite delay before Mr. Mateosian's priority date of November 10, 1954, is reached and a quota number becomes available for his use.

While Mr. Mateosian was invited to register under the Turkish quota prior to the receipt of the petition, he failed to do so. The date of the approval of the petition is, therefore, his priority date under the fourth preference category of the quota.

Charles Arnaiz—H. R. 8192, Mr. Hosmer

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 30, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8192) for the relief of Charles Arnaiz, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Honolulu, T. H. office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the beneficiary pursuant to sections 101 (a) (27) and 205 of the Immigration and Nationality Act, by providing that he shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant the beneficiary would be chargeable to the quota for the Philippines.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CHARLES ARNAIZ, BENEFICIARY OF H. R. 8192

Information concerning the case was obtained from Mr. and Mrs. Delos B. Jones, the stepfather and mother of the beneficiary.

Charles Arnaiz, a native and citizen of the Philippines who has never been in the United States, was born on September 1, 1935. He lives with his maternal grandmother in Manila in the Philippines. He has a sixth grade education and is unemployed. His mother was born in the Philippines on August 27, 1919. She testified that she was never married to the beneficiary's father, a United States citizen who died in 1936 while serving with the naval forces of this country.

The beneficiary's mother, Conchita Arnaiz, was married to Delos B. Jones on May 22, 1948, in the Philippines. They have two United States citizen children: Francis, who is 7 years old and Marie, who is 1 year old. The mother was admitted to the United States for permanent residence with her children at Agana, Guam, on October 22, 1954, and has since resided there with them. Her prior marriage in 1937 to Armando Fernandes, a native Filipino, was terminated by his death in 1945. No children were born of that marriage.

Delos Bradley Jones, the interested party, was born at Wakefield, Mich., on March 21, 1906. A high school graduate, he attended the University of Miami from 1928 to 1930 and Bowling Green University in Kentucky for 3 semesters in 1935 and 1936. His prior marriage to Helen Holmes in 1938 was terminated by divorce in 1947. No children were born of that marriage. Mr. Jones is employed as supervisory accounting officer at the Andersen Air Force Base in Guam at a yearly salary of $5,650. He has worked in the Pacific area continuously since 1947 as an accountant with different civilian firms and branches of the armed services. His assets consist of $700 cash and personal property valued at $1,800. He contributes $48 monthly to the support of the beneficiary.

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DEPARTMENT OF STATE,
Washington, June 15, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: I refer to your letter of January 13, 1956, requesting a report of the facts in the case of Charles Arnaiz, the beneficiary of H. R. 8192 which was introduced by Mr. Hosmer on January 5, 1956.

The files of the Department contain information received from the Embassy at Manila indicating that Mr. Delos B. Jones claimed that Charles Arnaiz, born in 1936, was his stepson.

It has been ascertained that Charles Arnaiz is not an American citizen and that as an alien he will encounter an indefinite wait before action could be taken upon his application for a nonpreference immigrant visa under the quota for the Philippines.

In the event that the proposed legislation is enacted, it will be possible for the consul to give prompt consideration to the visa application of Charles Arnaiz, after a petition filed on his behalf by Mr. Delos B. Jones with the Immigration and Naturalization Service shall have been approved.

The Department of State has no objection to the enactment of the proposed legislation.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 9, 1956.

Re H. R. 8192.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee,
House Office Building, Washington, D. C.

DEAR CHAIRMAN CELLER: On January 5, 1956, I introduced the above-mentioned bill which is for the relief of Charles Arnaiz, resident of Manila, who is the stepson of Delos B. Jones, a citizen of this country, who is employed at Agat Station, Agana, Guam.

This young man, who is now 19 years old, was born in Manila when his mother, who is now Mrs. Delos B. Jones, was 16 years old. She was seduced and raped by Charles Proctor who was then serving in the United States Navy. The case was presented to the Navy at that time and since Proctor was already married to a woman in the United States, it was impossible for him to legitimize the child. Proctor was court-martialed and dismissed from the service.

Mr. Jones married his wife in 1948 in Angeles, Pampanga, but it was not until 1954 that he was able to have her join him in Guam. This was done, with my assistance, through his applying for a visa on a nonquota basis. She is now a permanent resident of the United States and will be eligible for naturalization in 1957. Their 5-year old daughter naturally is an American citizen and is now with them in Guam. However, Charles Arnaiz has had to remain in Manila.

There is no way in which Arnaiz may be admitted to the United States except through a private bill. I believe the following statement from his stepfather will be of interest to the committee:

"Charles has taken my surname and considers himself to be my son, and his mother is anxious to have him at home with us. His greatest ambition is to enlist in the Navy, but his Filipino nationality so far has blocked that ambition. He grew up in the Philippines during the Japanese occupation and the liberation that followed. For that reason, he has had very little chance to go to school. However, he is unusually gifted mentally, and with the educational advantages available to our servicemen in the Navy, I am sure he would be an asset to our country. This boy has had nothing but a lifetime of bad breaks, and if you can help me to give him this one good break, I think it would be a good Christian act, and I know that he will justify our faith in him as a man and as an American."

I shall greatly appreciate your giving consideration to this bill with a view to making it possible for this young man to join his parents.

Sincerely yours,

CRAIG HOSMER,
Member of Congress,
18th District, California.

John T. Lipset—H. R. 9194, Mr. Davidson

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 6, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9194) for the relief of John T. Lipset, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the beneficiary pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the beneficiary shall be considered to be the minor natural-born alien child of a United States citizen. It will be noted that the beneficiary is over the age of 21 and is not a child as defined by section 101 (b) (1) of the Immigration and Nationality Act.

As a quota immigrant the alien would be chargeable to the quota for Japan.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JOHN T. LIPSET, BENEFICIARY OF H. R. 9194

Information concerning the case was obtained from Dr. Louis J. Lipset, the alleged father of the beneficiary.

John Thomas Lipset, also known as Yoneaki Narita, a native and citizen of Japan, was born out of wedlock on July 10, 1934. He now resides in Yokohama, Japan, and is employed as an interpreter. His annual income from this source is approximately $800 and he receives a like amount annually in remittances from his alleged father. He

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attended La Salle Military Academy, Oakdale, N. Y., from 1950 to 1953 and is a graduate of that preparatory school. His only other close relatives are his maternal grandparents who are citizens and residents of Japan.

The beneficiary first arrived in the United States on October 7, 1946, at San Francisco, Calif., and presented a Japanese passport bearing a temporary visitor's visa issued by the United States consul at Yokohama. He was denied admission on the ground that he was not a bona fide nonimmigrant and was therefore excludable as an alien racially ineligible to citizenship. His appeal was sustained and on November 4, 1946, he was admitted as a visitor for 6 months under a $1,000 departure bond. On May 5, 1947, his application for extension was denied in the absence of any evidence that his alleged father was endeavoring to legitimate his birth. The beneficiary departed voluntarily from the United States on July 25, 1947, and returned to Japan.

On April 1, 1950, the beneficiary again entered the United States at Anchorage, Alaska, as a student for 1 year. He received several extensions, the last of which expired on June 30, 1954. His application for a certificate of citizenship was denied on the ground that he had failed to establish that he was the legitimate child of Louis J. Lipset, a naturalized citizen of the United States. The beneficiary departed from the United States voluntarily on April 3, 1954, and returned to Japan where he has continued to reside to the present time.

Dr. Lipset, a resident of New York City, was born on January 16, 1871, at Minsk, Russia. He arrived in the United States in 1891 and was naturalized in 1900. He is a retired physician and pharmacist and has an annual income from investments of $6,300. His assets consist of $110,000 in United States Treasury bonds, and $40,000 in savings accounts. He has stated that he married Ida Feldman in 1892 and separated from her in 1911. The marriage was terminated by her death on May 22, 1944. He further stated that he lived with one Suzuko Narita as man and wife from 1932 to 1936 in Japan and that the beneficiary was born of this relationship on July 10, 1934. He has indicated that he intends to bequeath his property to the beneficiary.

DEPARTMENT OF STATE,
Washington, May 2, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 17, 1956, requesting a report of the facts in the case of John T. Lipset, the beneficiary of H. R. 9194 which was introduced by Mr. Davidson on February 8, 1956.

The files of the Department contain a report dated April 2, 1956, from the consulate general at Yokahama, Japan, containing the following information:

"The records of the consulate general show that Mr. John T. Lipset was born in Yokahama on July 10, 1934, of a Japanese mother. Mr. Louis J. Lipset later recognized the child as being his, and the child has since borne his family name of Lipset. Due to the fact that no legal marital relationship existed between the mother and father at

the time of Mr. Lipset's birth, however, American citizenship did not descend to him. Although it appears that the elder Mr. Lipset has attempted in recent years to confer legitimation and American citizenship on his son, the death of the mother has made this impossible, and the younger Mr. Lipset continues to have the status of an alien.

"Mr. Lipset entered the United States on a student visa in 1950, and remained there until April 1954, when he returned to Japan. He then registered on the waiting list of intending immigrants under the nonpreference portion of the quota for Japan. Since the quota for Japan is only 185 persons per year, and is heavily oversubscribed, it seems likely that he will encountered an indefinite waiting period before active consideration can be given to his application for a quota visa.

"Mr. Lipset was named the beneficiary in an assurance executed under the provisions of the Refugee Relief Act of 1953, by Mr. Peter L. Cappuccilli of 225 Marian Drive, town of Geddes, N. Y., and which was received at the consulate general on November 2, 1955. He was, however, unable to establish his eligibility under that act and it was not possible to take favorable action on his application."

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 14, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I am enclosing herewith a copy of my bill, H. R. 9194, which I introduced on February 8, 1955, for the relief of John T. Lipset. This bill has been referred to your committee.

John Lipset was born in Yokohama, Japan, on July 10, 1934, the son of Suzuko Narita, a Japanese national, and the natural son of Dr. Louis J. Lipset, an American citizen. Dr. Lipset has been attempting to bring his son to the United States for permanent residence. However, in the absence of legitimation, his efforts have been unsuccessful. He tried to confer legitimation and American citizenship on his son, but the death of the boy's mother made this impossible.

Dr. Lipset is now 84 years old, and is waiting for the day when his son may be admitted to this country. In order to substantiate his ability and desire to provide complete support for his son, he has submitted to me two affidavits, which indicate that John Lipset would be more than amply provided for now, and further show that on the death of his father, he will be the sole beneficiary of his father's estate. I enclose herewith photostats of these affidavits for the committee's consideration.

John first entered the United States on a visitor's visa in 1946, returning to Japan in 1947. He again entered as a student in 1950, remaining here until April of 1954. He is now residing at No. 29, 1-chome, Makadomachi, Kaka-ku, Yokohama, Japan. Dr. Lipset lives at 201 West 79th Street, New York, N. Y.

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I believe that this case is a deserving one, and would therefore appreciate your committee requesting a report from the Departments of State and Justice.

Sincerely yours,

IRWIN D. DAVIDSON,
Member of Congress.

Ljubomir Barac (also known as Ljubo Barac)—H. R. 9238, Mr. Tollefson

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 11, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9238) for the relief of Ljubomir Barac (also known as Ljubo Barac), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Seattle, Wash., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the beneficiary pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that he shall be considered the natural-born minor alien child of Ante Barac, a citizen of the United States.

As a quota immigrant the beneficiary would be chargeable to the quota for Yugoslavia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LJUBOMIR BARAC (ALSO KNOWN AS LJUBO BARAC), BENEFICIARY OF H. R. 9238

Information concerning the case was obtained from Mr. Ante Barac, father of the beneficiary.

The beneficiary, Ljubomir Barac (also known as Ljubo Barac), a native and citizen of Yugoslavia, was born on March 9, 1932. He has never married and resides at Tuskanova No. 9/III Zagreb, Yugoslavia.

The beneficiary is not employed. He is presently attending school to learn English. He has completed the equivalent of 11 years public and trade school in Yugoslavia. He has no assets and his only income is $100 a month received from his father.

The beneficiary has never been in the United States. He was the beneficiary of two visa petitions according him nonquota status. He was unable to avail himself of the benefits of the first visa petition because the Yugoslavian Government denied him an exit permit and passport until he had fulfilled his military obligation. Following his military service, he was unable to avail himself of the benefits of the second visa petition because he had reached his majority.

The beneficiary served in the army of Yugoslavia from September 1952, until November 1954.

Mr. Ante Barac resides at 5008 North Winnifred, Tacoma, Wash. He is a naturalized citizen of the United States. His wife is a lawful resident alien. He has testified that he was married only once and the beneficiary is their only child. Mr. Barac is a fisherman and earns about $5,000 a year. He owns real estate valued at $36,000 and personal property valued at about $12,000.

DEPARTMENT OF STATE,
Washington, May 4, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 17, 1956, requesting a report of the facts in the case of Ljubomir Barac, the beneficiary of H. R. 9238 which was introduced by Mr. Tollefson on February 9, 1956.

The Department's files contain a report dated April 18, 1956, from the Embassy at Belgrade indicating that their appears to be no ground of ineligibility to receive a visa in the case of Mr. Barac. However, owing to the oversubscribed condition of the Yugoslav quota there will be an indeterminate wait before his turn will be reached for consideration.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

AFFIDAVIT

STATE OF WASHINGTON,
County of Pierce, ss:

Ante Barac, being first duly sworn, on oath deposes and says: That he is a resident of Tacoma, Pierce County, Wash., at 5008 North Winnifred Street, where he resides with his wife, Iva Barac. That he was born in Stilji, Vigorac, Dalmatia, Yugoslavia, on April 24, 1908. That he entered the United States for permanent residence on June 3, 1939. That he was naturalized by the United States District Court for the Western District of Washington, at Tacoma, on July 29, 1946, and was issued a certificate of naturalization No. 6522925.

That he has a son Ljubomir Barac, also known as Ljubo Barac, who presently resides in Zagreb, Yugoslavia, and is presently 23 years of age, being born on the 9th day of March 1932. That your affiant has no other living children.

That on or about the 5th day of December 1946, your affiant for the first time petitioned upon Department of Justice Form I–133, for the issuance of an immigration visa to his wife, Iva Barac and to his son, Ljubo Barac, who were then resident in Stilji, Vigorac, Dalmatia, Yugoslavia, the said son being then 14 years of age. This visa petition was approved and given No. 359400.

That pursuant to the requirements of the American consul at Zagreb, Yugoslavia, appropriate affidavits of support and other documents were furnished. These were referred by the American consulate

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at Zagreb to the American Embassy at Belgrade for further processing. Receipt of the documents by the Embassy Consular Section was acknowledged on September 23, 1947, in a communication addressed to Gagliardi Ursich and Gagliardi, attorneys at law, 1116–1118 Washington Building, Tacoma, Wash. Under this petition Iva Barac, the wife of your affiant and the minor son, Ljubo Barac were registered for immigration as of April 21, 1947.

In April of 1950, your affiant again applied for an immigration visa for both his wife and son, pursuant to which a visa was granted to Iva Barac, the wife, but not to the son. Subsequently, in August of 1951, a new application for immigration visa was filed and on January 8, 1952, a letter was written from the American consulate in Belgrade, Yugoslavia, to John B. Krilich, attorney at law, Tacoma, Wash., indicating that both the affiant's wife and son were entitled to a nonquota status, and that Iva Barac had obtained her Yugoslav passport and exit permit, but that Ljubo Barac had as yet received neither a passport nor a permit to leave Yugoslavia. At that time, Ljubo Barac was 20 years old and under the Yugoslav law was eligible for military service and could not leave the country.

Consequently, Mrs. Barac arrived in the United States by herself in August of 1952 to join your affiant and has ever since made her home at 5008 North Winnifred Street with your affiant.

Ljubo Barac entered the Yugoslav Army, wherein he served until about the middle of 1954, and following the expiration of his military service was granted a Yugoslav passport and a permit to leave the country. Meantime, he had achieved his majority and under the American immigration laws was no longer eligible for a nonquota status. Under the immigration laws now in force he is entitled to a fourth-class preference for the Yugoslav quota, but since the Yugoslav quota is so oversubscribed, for practical purposes, he will never be allowed to enter the United States unless some relief might be granted due to hardship.

The last petition filed by your affiant for the admission of Ljubo Barac into the United States was dated October 29, 1953, and was apparently approved on November 25, 1953, and is valid under the present regulations for 3 years or until November 25, 1956. Meantime your affiant does not know how long Ljubo Barac's Yugoslav passport and exit permit might remain valid.

Frequent letters to the American consulate at Belgrade meet with the general statement that the said Ljubo Barac has met all of the requirements for a fourth-class preference status, but that he will have to wait his turn. An investigation of the matter by Hon. Thor C. Tollefson, Congressman from the Sixth District of Washington, has received a similar statement from the Department of State Visa Office in Washington.

Your affiant has complied with all of the requirements of the immigration laws and has exhausted all available administrative remedies, and there is no other avenue available than congressional relief.

Your affiant is a man approximately 48 years old, whose wife is 5 years his senior. His son, Ljubo Barac, is an only child, and there is little likelihood of any other children being born to your affiant. That he has assets in the United States approximating $20,000 in value. That if his son is permitted to enter the United States to join him, he would in no wise become a public charge. That but for

the fact that the said Ljubo Barac's nonquota status had cleared at a time when the Yugoslav Government compelled him to remain in that country for military service, he could have availed himself of his nonquota status and he could have arrived in the United States with his mother in 1952. That status was lost to him due to circumstances beyond his control and when he became free to leave Yugoslavia he was already over the age of majority and the best quota classification available to him was a fourth-class preference.

That this is a true case of hardship, your affiant having initiated his activity to bring his family to this country 9 years ago, and has been continuously pressing for the admission of his wife and son to this country, attempting to satisfy the American law at the same time that he was overcoming obstacles set out by the requirements of the Jugoslav Government. That his job was only half successful, and that congressional relief should be afforded him to permit his son to join him and his wife in this country.

That this affidavit is made in support of a private bill for the admission of Ljubomir Barac, also known as Ljubo Barac, into this country for permanent residence. That your affiant is further prepared to supply any information or documentary evidence which might be necessary to implement this affidavit.

Further your affiant saith not.

ANTE BARAC.

Subscribed and sworn to before me this 31st day of December 1955.

[SEAL] JOHN B. KRILICH,
Notary Public in and for the State of Washington.

Nikola Nedeljkovic—H. R. 9761, Mr. Rabaut

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 10, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9761) for the relief of Nikola Nedeljkovic, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the beneficiary by providing that he shall be considered to be the natural-born minor alien child of a United States citizen.

As a quota immigrant the beneficiary would be chargeable to the quota for Yugoslavia.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE NIKOLA NEDELJKOVIC, BENEFICIARY OF H. R. 9761

Information concerning this case has been obtained from the beneficiary's father, Mr. Milenko Nedeljkovic.

The beneficiary, Nikola Nedeljkovic, a native and citizen of Yugoslavia, was born on December 19, 1933. He is not married and is presently residing in Belgrade, Yugoslavia, where he is a third-year student in the College of Engineering at the University of Belgrade. His only income is $25 a month which he receives from his father.

According to his father, the beneficiary had intended to accompany his mother and sister when they immigrated to the United States in 1954, but was detained by the Yugoslav authorities because he had not fulfilled his compulsory military obligation. He served in the Yugoslav Army for approximately 1½ years and was discharged in January 1955.

The beneficiary's parents and sister reside at 2594 Cadillac Boulevard, Detroit, Mich. His father became a naturalized citizen of the United States on April 6, 1955. Milenko Nedeljkovic is employed as a welder by the Dodge main plant of the Chrysler Motor Car Co. He receives wages of $2.05 an hour and has $1,800 in a savings account.

DEPARTMENT OF STATE,
Washington, May 17, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: I refer to your letter of March 12, 1956, requesting a report of the facts in the case of Nikola Nedeljkovic, the beneficiary of H. R. 9761 which was introduced by Mr. Rabaut on March 5, 1956.

The files of the Department contain a report dated April 27, 1956, from the Embassy at Belgrade stating that Nikola Nedeljkovic is registered on the waiting list of fourth-preference applicants for Yugoslav quota immigrant visas. The usual personal documents submitted do not indicate any ground of ineligibility to receive a visa. However, owing to the oversubscribed condition of the quota an indefinite waiting time is expected to elapse before it shall become possible to consider the visa application.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 9, 1956.

Re H. R. 9761, for the relief of Nikola Nedeljkovic.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I shall appreciate it if you will please request reports from the proper departments on the above-captioned bill which I introduced on March 5, 1956.

The history of the case as presented to me is as follows: Mr. Milenko Nedeljkovic, father of the alien, immigrated to the United States as a displaced person on November 30, 1949, and became a naturalized citizen on April 6, 1955, in the United States district court, Detroit, Mich., under No. 7374773. He resides at 2594 Cadillac Boulevard, Detroit 14, Mich. Around May of 1951 he filed a petition for his wife, Milica; son, Nikola; and daughter, Miroslava, all of whom were residing in Yugoslavia at the time. His son, Nikola, was 18 years old at that time. In June 1953 the Yugoslav Government passed a law permitting families of displaced persons to immigrate if they so desired. The law permitted immigration of male children under 16, but if over 16 they were subject to compulsory military training. Mr. Nedeljkovic's wife and daughter came to the United States in February 1954. Nikola became 21 on December 19, 1954, and was released from military service on January 1, 1955. The American consulate at Belgrade informed him he still maintained his original registration as of June 22, 1951, but having attained legal age he was reclassified under fourth preference. Mr. Nedeljkovic filed a new visa petition for Nikola (I–133), and it was approved on June 17, 1955, under No. VP8–19206.

Nikola Nedeljkovic is now studying machine technology at the University of Belgrade and the father believes if he completes his studies there he will never be able to leave as the Yugoslav law states highly specialized individuals are essential to the Government. It is for this reason I ask expeditious action, and thank you in advance for the prompt attention I know you will give my request.

With kind personal regards, I am,

Very sincerely yours,

LOUIS C. RABAUT,
Member of Congress.

Mrs. Maria A. Maresch—H. R. 7404, Mr. Hinshaw

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 2, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7404) for the relief of Mrs. Maria A. Maresch, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

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The bill is intended to confer preference quota status upon the alien pursuant to sections 101 (b) (2), 203 (a) (2), and 205 of the Immigration and Nationality Act, by providing that the beneficiary be considered the mother of Mrs. Hildegard A. Spillman, a citizen of the United States.

The beneficiary is chargeable to the quota of Austria.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. MARIA A. MARESCH, BENEFICIARY OF H. R. 7404

Information concerning the case was obtained from Hildegard Aloisia Spillman, the beneficiary's daughter.

The beneficiary, Maria A. Maresch, also known as Maria Aloisia Maresch, who was born on November 28, 1892, is a native and citizen of Austria. She has never been married. Hildegard Aloisia Spillman, her only child, was born out of wedlock in Vienna, Austria, on September 6, 1915. The father, Frederich Hammberger, was reportedly killed while serving with the Austrian Army during World War I. Miss Maresch has never been in the United States. She resides at Hamaustrasse 20, Vienna, Austria. She attended elementary school in Vienna, Austria, for 8 years. The beneficiary has no dependents and is self-employed in her home as a seamstress. The amount of income derived therefrom is not known. She has no assets. Her daughter is her only relative residing in the United States. She has 2 brothers and 3 sisters residing in Vienna, Austria.

Hildegard Aloisia Spillman entered the United States at New York, N. Y., for permanent residence in October 1948. She was naturalized in Los Angeles, Calif., on November 11, 1954. She married Beverly Welford Spillman, a native-born United States citizen, in Vienna, Austria, on June 4, 1947. They have one child, Caryn, born in Los Alamos, N. Mex., on June 14, 1949. Mrs. Spillman resides with her husband and child at 537 Linda Vista Avenue, Pasadena, Calif. Mr. Spillman is a project engineer by profession. He is employed in that capacity by Holmes & Narver, Inc., Los Angeles, Calif., at a salary of $12,000 annually. He owns assets valued at $55,000, consisting of an equity in his home, an 80-acre ranch in Texas and savings. Mr. Spillman has no dependents other than his wife and child.

DEPARTMENT OF STATE,
Washington, September 9, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of August 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Maria A. Maresch, beneficiary of H. R. 7404, 84th Congress, 1st session.

A report recently received by the Department from the American Embassy at Vienna, Austria, states that Mrs. Maresch's visa file

reveals that she is registered as of March 15, 1955, on the Embassy's waiting list of intending immigrants chargeable to the nonpreference portion of the Austrian quota. The Austrian quota is heavily oversubscribed and late registrants chargeable to the nonpreference portion are faced with an indefinite waiting period.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mrs. Maresch would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 18, 1956.

Re H. R. 7404, for the relief of Maria A. Maresch.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration,
House of Representatives.

DEAR MR. CHAIRMAN: On January 23, 1956, I was notified that the above bill, copy of which is enclosed, had been docketed for consideration by your committee.

The alien in question is the mother of Mrs. Hildegard Spillman, a naturalized citizen of this country, living in Pasadena, Calif. Because Mrs. Spillman is an illegitimate child, she cannot confer second preference status on her mother, and it is for this reason that I introduced the bill.

Mrs. Spillman is the victim of poliomyelitis and is under the doctor's care at the present time. The reunion with her mother after 10 long years of waiting would, indeed, be a boost to her morale, and convalescence. As the Austrian quota is heavily oversubscribed, her mother is faced with an indefinite waiting period.

Mr. and Mrs. Spillman are financially able to care for Mrs. Maresch, and are ready and willing to assume full responsibility for her if she is granted permission to enter the United States.

The above facts are offered with the hope that action might be taken on the bill before the adjournment of this Congress.

Anything you see fit to do to expedite the bill will be greatly appreciated.

Sincerely yours,

CARL HINSHAW,
Member of Congress.

Yumi Mense—S. 3519

The beneficiary is a 12-year-old native and citizen of Japan, who presently resides in that country. She was adopted on February 15, 1956, by Alfred L. Mense, a United States citizen and member of our Armed Forces. Mr. Mense was married to the beneficiary's mother on February 12, 1951.

A letter, with attached memorandum, dated July 18, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3519) for the relief of Yumi Mense, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Louis, Mo., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota for Japan.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERIVCE FILES RE YUMI MENSE, BENEFICIARY OF S. 3519

Information concerning the case was obtained from Alfred L. Mense, the adoptive father, and Miyoko Mense, the natural mother of the beneficiary.

The beneficiary, Yumi Mense, a native and citizen of Japan, was born on June 23, 1944. She resides in Japan with her mother and adoptive father.

The beneficiary was adopted by Mr. Alfred L. Mense in a Japanese court on February 15, 1956. Mr. Mense married her mother in Japan on February 12, 1951.

Mr. Mense is serving in the United States Army and earns $336.90 a month.

Senator Stuart Symington, the author of the bill, submitted the following information in support of the bill:

MARCH 13, 1956.

DEAR SENATOR SYMINGTON: I received your letter yesterday and was very glad to hear from you, but I was a little disappointed with the contents of the letter. I was advised to go to the American consular office in Tokyo. This I did. I was advised by the American consular officer that my adopted child would have to come under a Japanese quota with a fourth preference and maybe she would be able to join us in the United States after a 20-year wait for a visa. The child is over 10 years old so she cannot be classed as an "eligible orphan." I would appreciate it very much if you would introduce a bill to the United States Congress to admit the child into the United States. I am enclosing a copy of the adoption papers. I was informed that the United States Congress adjourns in June so that doesn't leave very much time. I would appreciate anything that you may do to help me. If there is any other information that I may furnish please let me know. Hoping to hear from you in the near future.

Sincerely,

ALFRED L. MENSE.

1956: No. 1,306

JUDGMENT

Nationality: 304 High Street, Washington, Missouri State, U. S. A.
Residence: 820, 4-chome, Nishiosaki, Shinagawa-ku, Tokyo-to.
Applicant: Alfred Leanord Mense.
Permanent domicile: 820, 4-chome, Nishiosaki, Shinagawa-ku, Tokyo-to.
Residence: The same as that of the applicant.
Subject person: Yumi Homma.

Upon the case of the adoption involving the persons mentioned above, this court passes judgment as follows, based upon the written application, statement of the applicant, and consent by Mieko Matsumoto who is the guardian of the subject person, applying the law governing the application of laws of Japan, law concerning adoption of Missouri State, U. S. A., which the applicant is to conform to, Civil Code of Japan which the subject person is to conform to, and law for adjustment of domestic relations:

TEXT

The applicant will be permitted to adopt the subject person.

DEPARTMENT OF STATE,
Washington, March 7, 1956.

Hon. STUART SYMINGTON,
United States Senate.

DEAR SENATOR SYMINGTON: Reference is made to your letter of February 27, 1956 (and to the interim telephonic acknowledgment on February 28), with which you transmitted the attached communication from Mr. Alfred L. Mense in connection with the visa case of his adopted child, Yumi Mense.

The records of the Visa Office do not contain any information pertaining to Yumi's immigrant visa application. However, it is presumed that she is registered as a nonpreference applicant under the Japanese quota at the American Embassy at Tokyo. Unfortunately, there is such a heavy registered demand for visas under the Japanese quota that applicants chargeable thereto have been experiencing a very considerable delay in the issuance of visas.

As you undoubtedly are aware, the Immigration and Nationality Act provides fourth preference status within the quotas of the country of birth for the adopted child of an American citizen if a visa petition is approved on his or her behalf by the Immigration and Naturalization Service, Department of Justice. Unfortunately, since the fourth preference portion of the Japanese quota is likewise heavily oversubscribed, Yumi would experience a long delay in the issuance of a fourth preference immigrant visa.

It is noted from Mr. Mense's letter that Yumi is over 10 years of age and is therefore not properly classifiable as an orphan under the Refugee Relief Act of 1953, as amended. Since the information furnished is limited, it is not possible to state whether the child is properly classifiable as a refugee within the meaning of this law. The definition of "refugee" is given in the enclosed information leaflet.

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Should the child be properly classifiable as a refugee, Mr. Mense should execute the attached set of assurance forms in accordance with the instructions given with a view to having his child's case processed under the Refugee Relief Act. This act provides for the issuance of special nonquota immigrant visas to certain classes of aliens mentioned in the leaflet I enclose.

I wish to assure you that the Embassy at Tokyo will be as helpful as possible to Mr. Mense in connection with his child's case and will take final action on the visa application as soon as circumstances permit.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

The committee, after consideration of all the facts in each case referred to in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 683), as amended, should be enacted.

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